

# **HB 1101\_LWVMD\_FAV\_3\_26\_24 - Clean Water Justice Ac**

Uploaded by: Casey Hunter

Position: FAV



**Testimony to The SENATE EDUCATION, ENERGY, AND THE ENVIRONMENT COMMITTEE**

**HB 1101 - Standing - Environmental and Natural Resources Protection Proceedings  
(Clean Water Justice Act of 2024)**

**POSITION: Support**

**By: Linda T. Kohn, President**

**Date: March 26, 2024**

Since the emergence of the environment movement in the 1970's, the League of Women Voters has advocated for policies that protect our planet and promote public health. The League believes in protecting the Clean Water Act and safeguarding against water pollution.

The League of Women Voters of Maryland **supports HB 1101**, which would give communities impacted by water pollution standing to bring suit in state court against illegal polluters. Water quality is essential for public health, and illegal polluters must be held accountable.

The U.S. Supreme Court recently stripped key waterways - mainly streams and wetlands - from protection under the federal Clean Water Act. While Maryland still protects such waterways under state law, citizens and communities do not have the right to enforce these laws by bringing suit against violators.

**HB 1101** would establish a crucial right for Marylanders to enforce the law against harmful, illegal polluters. Community groups are critical actors in protecting our waterways and holding polluters accountable. The Clean Water Justice Act would protect Maryland's waterways, and protect Maryland's communities. Communities being impacted by illegal water pollution must have a voice, and must have the ability to hold polluters accountable.

The League of Women Voters of Maryland **strongly urges a favorable report on HB 1101.**

**HB1101\_Clean\_Water\_Justice\_Act\_MLC\_FAV.pdf**

Uploaded by: Cecilia Plante

Position: FAV



## TESTIMONY FOR HB1101

### Standing - Environmental and Natural Resources Protection Proceedings (Clean Water Justice Act of 2024)

**Bill Sponsor:** Delegate Love

**Committee:** Education, Energy, and the Environment

**Organization Submitting:** Maryland Legislative Coalition

**Person Submitting:** Cecilia Plante, co-chair

**Position:** FAVORABLE

I am submitting this testimony in favor of HB1101 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists and our Coalition supports well over 30,000 members.

The Clean Water Justice Act restores rights lost when the U.S. Supreme Court's reduced the scope of federal Clean Water Act (CWA) jurisdiction in *Sackett v EPA*. It will bring the full federal Clean Water Act's public enforcement capabilities to Maryland and will allow us to better protect our wetlands and streams.

The primary function of the bill is the creation of a cause of action allowing the public to sue in Maryland Court to stop illegal pollution or compel an agency to act on a nondiscretionary duty (similar to the "citizen suit" provision that exists under Federal law).

- The bill pairs the new cause of action with expanded standing to be consistent with federal constitutional standing.
- The bill includes the Natural Resources Article (Critical Areas and Forest Conservation Act), and 3 Titles of the Environment Article that pertain to water quality.

Whenever the Supreme Court seeks to reduce rights that Marylanders have, our members feel that it is incumbent upon the legislature to reinstate those rights. We support this bill and recommend a **FAVORABLE** report in committee.

# **HB 1101 Clean Water Justice Act (Favorable - The N**

Uploaded by: Humna Sharif

Position: FAV

**Tuesday, March 26, 2024**

**TO:** Brian Feldman, Senate Education, Energy, and the Environment Committee, and Committee Members

**FROM:** Humna Sharif, The Nature Conservancy, Climate Adaptation Manager; Cait Kerr, The Nature Conservancy, State Policy Manager

**POSITION:** Support HB 1101 Standing - Environmental and Natural Resources Protection Proceedings (Clean Water Justice Act of 2024)

The Nature Conservancy (TNC) supports HB 1101 offered by Delegates Love, Charkoudian, Foley, Fraser-Hidalgo, J. Long, Ruth, and Stewart. TNC is a global conservation organization working to conserve the lands and waters on which all life depends. In Maryland, our work focuses on delivering science-based, on-the-ground solutions that secure clean water and healthy living environments for our communities, reducing greenhouse gas emissions and increasing resilience in the face of a changing climate. We are dedicated to a future where people and nature thrive together.

If water is the lifeblood of the planet, rivers, lakes and wetlands are the hard-working systems that keep it pumping. These systems—which also include springs, deltas and intricate underground networks—feed communities, shape cultures and sustain the diversity of life on Earth. Freshwater ecosystems provide value for protecting animal and plant species and their health is inextricably tied to the health of adjacent communities who rely on them for drinking water, and recreational and aesthetic value.

In Maryland, we have an opportunity to create strong and sustained protections for these freshwater systems by passing HB 1101. This legislation is urgently needed in our state to protect vulnerable communities from water pollution impacts and to enforce the Clean Water Act's core tenets. The federal Clean Water Act is among the strongest pieces of legislation in the country. Since its passage more than 40 years ago, water health in many impaired freshwater rivers, streams, and wetlands has been restored, making them drinkable and swimmable again. This incredible legacy of environmental protection is now under threat. The recent Supreme Court decision in the Sackett v. EPA case removed more than half of streams and wetlands in the country from federal Clean Water Act protections. While these systems are still protected under Maryland law, current enforcement mechanisms are insufficient to maintain their long-term health.

The Clean Water Justice Act will provide a new right for impacted community members to enforce water protection laws in state court the same way that they were previously able to do in federal court under the Clean Water Act. This legislation gives Marylanders the same degree of access to state courts as they have in federal courts, and it repairs the threat to Maryland's critical water resources.

Our state is facing three intertwined crises of biodiversity loss, climate change, and disproportionate environmental pollution burdens being borne by underserved and over-burdened communities. In the wake of Sackett, Maryland must continue to build on our state's strong record of environmental and climate protections for its residents and prevent illegal pollution from entering our waterways. To truly succeed in protecting and restoring the natural resources of the state's natural resources, creating and sustaining vibrant communities, and delivering equitable and just outcomes for communities, we need to equip Maryland's residents with the ability to hold polluters accountable.

We commend Delegates Love, Charkoudian, Foley, Fraser-Hidalgo, J. Long, Ruth, and Stewart for introducing this legislation. HB 1101 is a step in the right direction and continues to build upon Maryland's legacy of taking bold and proactive action for creating equitable climate solutions for its residents and natural resources.

**For these reasons, we urge a favorable report on HB 1101.**

**hb1101- standing for clean water- EEE 3-26-2024.pd**

Uploaded by: Lee Hudson

Position: FAV



**Delaware-Maryland Synod**  
**Evangelical Lutheran Church in America**  
God's work. Our hands.

Testimony prepared for the  
**Education, Energy, and the Environment Committee**  
on  
**House Bill 1101**  
March 26, 2024  
Position: **Favorable**

Mr. Chairman and members of the Committee, thank you for this opportunity to urge a policy to support caring for natural goodness and justice. I am Lee Hudson, assistant to the bishop for public policy in the Delaware-Maryland Synod, EvangeliChal Lutheran Church in America. We are a faith community with three judicatories in every State region.

Our community's environmental statement and positions ("Caring for Creation", ELCA 1993) were adopted when a principal public concern was corruption of natural commons from pollution and depletion. For example, *Decisions affecting an immediate locale often affect the entire planet*. Pollution of waters is cited. ("Caring for Creation", pg. 4)

Because the concern is human, from within a natural order that supports the life we share with "all things now living", justice, in solidarity with others and the goodness of creation itself, is a commitment for our advocacy and action. Here's what we said then: *It is in hope...that we hear the call to justice; it is in hope that we take action. When we act interdependently and in solidarity with creation, we do justice. We serve and keep the earth, trusting its bounty can be sufficient for all, and sustainable.* (pg. 6)

"The commons", a domain that the Anthropocene exploits and reconfigures, does not belong to human hegemony, no matter how insistently asserted and engineered. Our tradition shapes its public understanding of "commons" with the counsel of spiritual texts: *The earth is the Lord's, and all that is within it, the world, and all dwelling in it.* (Psalm 24:1-2)

Justice, we hold, requires sufficiency and sustainability. A principal concern for justice then, will be commitment to solidarity with "all things now living". A corruptor of the commons, as much as toxins and depletion, is privileged interest—typically diminished to formulae of commercial finance—hostile to sufficiency and sustainability.

The current state of policy affairs often excludes those forced against their own good and will, to assume costs, financial and physical, of others' interests. That policy—socialize risk, privatize benefit—adheres to no reasonable definition of justice.

**House Bill 1101** would grant standing for civil action and remedy to those affected by corruption of natural waters in the State; those living near, working on, dependent on them. It anchors that standing within Maryland's existing Environment and Natural Resources Articles. Overdue, we estimate, for the good, the betterment of all. We implore your favorable report.

Lee Hudson



# **HB 1101 MDE SUP.pdf**

Uploaded by: Les Knapp

Position: FAV



**The Maryland Department of the Environment**  
**Secretary Serena McIlwain**

***House Bill 1101***

***Standing - Environmental and Natural Resources Protection Proceedings (Clean Water Justice Act of 2024)***

**Position:** Support  
**Committee:** Education, Energy, and the Environment  
**Date:** March 26, 2024  
**From:** Jeremy D. Baker

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The Maryland Department of the Environment (MDE) **SUPPORTS** HB 1101 as amended. The bill would enact several changes in State environmental law enforcement and the authority to intervene in State enforcement actions.

**Bill Summary**

As amended, the bill accomplishes the goal of restoring the legal landscape in Maryland that existed prior to the U.S. Supreme Court’s decision in *Sackett v. Env’t Prot. Agency*, 598 U.S. 651 (2023).

In *Sackett*, the Supreme Court held that wetlands and bodies of water that have no surface connection to navigable, Clean Water Act (CWA) protected bodies of water are not Waters of the United States (WOTUS) and thus do not qualify for CWA protections. The justices asserted that the CWA should not extend to “channels through which water flows intermittently or ephemerally, or channels that periodically provide drainage for rainfall.” Rather, it should only cover wetlands and waterways with a “continuous surface connection” to interstate bodies of water.

**Position Rationale**

As amended, the bill would expand the standing of all persons and organizations to enforce, or intervene in any State action to enforce, Title 5, Subtitle 9 (nontidal wetlands) and Title 9, Subtitle 3 (water pollution control) of the Environment Article, provided that the action is related to a body of water that fell outside of the scope of the CWA under the *Sackett* decision. With the amendments narrowing the bill to these areas, the bill confines its scope to restoring the CWA’s Citizen Plaintiff provisions in accordance with the pre-*Sackett* “significant nexus” test.

MDE recognizes the important role that non-governmental organizations and interested citizens can play in enforcing laws and regulations related to addressing water pollution and providing clean water for Maryland residents, and believes that the bill as amended restores the correct balance that was lost in the *Sackett* decision.

Accordingly, MDE asks for a **FAVORABLE** report for HB 1101.

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**Contact:** Les Knapp, Government Relations Director  
Cell: 410-453-2611 (cell), Email: [les.knapp@maryland.gov](mailto:les.knapp@maryland.gov)

# **Testimony in support of crossover bill HB1101.pdf**

Uploaded by: Richard KAP Kaplowitz

Position: FAV

CROSSOVER BILL HB1101\_RichardKaplowitz\_FAV

3/26/2024

Richard Keith Kaplowitz  
Frederick, MD 21703

**TESTIMONY ON CROSSOVER BILL HB#/1101 – FAVORABLE**

**Standing - Environmental and Natural Resources Protection Proceedings (Clean Water Justice Act of 2024)**

**TO:** Chair Feldman, Vice Chair Kagan, and members of the Education, Energy, and the Environment Committee

**FROM:** Richard Keith Kaplowitz

**My name is Richard K. Kaplowitz. I am a resident of District 3. I am submitting this testimony in support of CROSSOVER BILL HB#1101, Standing - Environmental and Natural Resources Protection Proceedings (Clean Water Justice Act of 2024)**

This bill anticipates a possible United States Supreme Court decision that would handicap the ability of persons and institutions to pursue lawsuits in protection of clean water protection and availability. It will establish standing for persons and associations to initiate civil actions to protect natural resources. It will bestow on the courts the power to grant certain relief, award costs, and impose civil penalties and civil actions to protect our waters. The availability of legal paths to remediate bad conduct can often serve as an inhibition to untoward conduct.

The United States Environmental Protection Agency addresses Source Water Protection with specific actions on *How Can You Protect Source Waters*.<sup>1</sup> This bill will add a legal framework facilitating any of the recommended steps backing them with concrete actions and steps individuals, associations and the courts can do to uphold environmental laws on water.

According to Earth.org “Water scarcity is a growing crisis affecting many parts of the world. According to the United Nations, over 40% of the global population currently experiences water shortages, and this figure is expected to grow in the coming years. To make matters worse, less than 3% of the world’s water supply is freshwater suitable and accessible for human use. Sustainable access to water will be one of the defining issues of our time and it is a problem we need to tackle now.”<sup>2</sup>

This bill agrees with organizations whose mission is environmental protection and sets paths to make that protection a reality.

**I respectfully urge this committee to return a favorable report and pass CROSSOVER BILL HB1101.**

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<sup>1</sup> <https://www.epa.gov/sourcewaterprotection/how-can-you-help-protect-source-water>

<sup>2</sup> <https://earth.org/understanding-the-importance-of-water-conservation/>

# **HB 1101 Love written testimony EEE.pdf**

Uploaded by: Sara Love

Position: FAV



THE MARYLAND HOUSE OF DELEGATES  
ANNAPOLIS, MARYLAND 21401

## HB 1101 – Clean Water Justice Act of 2024

Chair Feldman, Vice Chair Kagan, Members of the Education, Energy, and the Environment Committee –

Numerous briefings presented to the Committee confirm that myriad sources of pollution continue to threaten the health of our prized Chesapeake Bay and its tributaries. Identifying pollution sources requires constant vigilance and while monitoring by Maryland regulatory agencies is critical, they cannot effectively do this work alone.

Until recently, Marylanders, including watchdog organizations, could supplement the work of regulatory agencies since they had the right to file citizens' lawsuits under the Clean Water Act (CWA). Last summer the U.S. Supreme Court decided *Sackett v. Environmental Protection Agency*, which limited the scope of federal protections for countless seasonal wetlands and marine ecosystems under the Clean Water Act. This in turn meant individuals and organizations could no longer file suit to protect those seasonal wetlands and marine ecosystems.

As amended, HB 1101 restores the rights of citizens to file civil enforcement actions against violators of Maryland waterway pollution protection statutes. These suits would now be brought in state court, instead of federal court, where they had been brought prior to *Sackett*. We have worked with the Maryland Department of the Environment on a set of amendments, which should be on the system.

### Background: *Sackett v. EPA* and the Clean Water Act

- The federal Clean Water Act authorizes the EPA and the U.S. Army to define “waters of the United States” through regulatory rules, determining which bodies of water are within the statute's jurisdiction. For any other provisions of the CWA to apply, including citizen enforcement actions and environmental reviews, the body of water must fall within the definition of “waters of the United States”.
- In *Sackett v. EPA*, 598 U.S. (2023), plaintiffs challenged the EPA rule protecting wetlands on their property, leading to the Court substantially altering the definition of “waters of the United States,” loosening federal protections for over sixty percent of the nation’s wetlands.<sup>1</sup> The majority held that the definition “refers only to “geographic[al] features that are described in ordinary parlance as ‘streams, oceans, rivers, and lakes’ ” and to

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<sup>1</sup> Chiu, Allyson. “Biden Rule, Heeding Supreme Court, Could Strip Over Half of U.S. Wetlands’ Protections.” *Washington Post*, 29 Aug. 2023, [www.washingtonpost.com/climate-environment/2023/08/29/epa-new-wetland-rule/](http://www.washingtonpost.com/climate-environment/2023/08/29/epa-new-wetland-rule/).

adjacent wetlands that are “indistinguishable” from those bodies of water due to a continuous surface connection.”<sup>2</sup> Because many wetlands are seasonal and do not maintain “a continuous surface connection” with a larger navigable body of water, they do not fall under the jurisdiction of the CWA.

- In Maryland, the Court’s decision doesn’t change the protected status of our waterways, as we have state-level protections that remain in place. However, the decision does strip the ability of citizens and advocates to bring enforcement actions under the CWA, as many of Maryland’s waterways no longer fall under the jurisdiction of the law.

#### The Value of Citizen Enforcement

- Many noteworthy water pollution enforcement actions have been brought by community groups, with the state often then subsequently filing an enforcement action.
- Local communities possess a wealth of knowledge about their environments and often can identify pollution sources that may go unnoticed by regulatory bodies.
- This partnership brings crucial capacity to the state and is touted by both MDE and the Attorney General’s office.

#### Other Important Points

- As amended, the legislation simply restores what was lost in the *Sackett* decision: the right for affected community members to enforce the law – just in state court instead of federal court.
- It will not increase the number of citizens’ lawsuits beyond what was filed pre-*Sackett*. In other states (such as Pennsylvania) that provide a public enforcement right like this one, it is used far less than the existing federal right. Litigation is far too time consuming and costly to become a commonplace tool in the environmental compliance toolbox.
- Collaborative efforts between concerned citizens and environmental agencies can lead to quicker response times, more accurate assessments of pollution levels, and targeted solutions to address specific issues.

We must return Marylanders’ right to participate in the protection of their waterways and treasured marine ecosystems.

For the foregoing reasons, I respectfully request a favorable report on HB 1101.

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<sup>2</sup> Supreme Court of the United States. *Sackett et ux. v. Environmental Protection Agency et al.* 25 May 2023, [https://www.supremecourt.gov/opinions/22pdf/21-454\\_4g15.pdf](https://www.supremecourt.gov/opinions/22pdf/21-454_4g15.pdf). Accessed 23 Feb. 2024.

# **HB1101\_IndivisibleHoCoMD\_FAV\_Virginia Smith (Senat**

Uploaded by: Virginia Smith

Position: FAV





## HB1104

### Standing-Environmental and Natural Resources Protection Proceedings (Clean Water Justice Act of 2024)

Testimony before Senate Education, Energy, and the Environment Committee

Hearing March 26, 2024

**Position: Favorable as Amended by House**

Dear Chair Feldman and Vice-Chair Kagan, and members of the committee,

My name is Virginia Smith, and I represent the 700+ members of Indivisible Howard County. Indivisible Howard County is an active member of the Maryland Legislative Coalition (with 30,000+ members). We are providing written testimony today **in support of HB1104**, which would provide certain persons standing in environmental and natural resources protection proceedings.

The federal Clean Water Act (CWA) allowed communities to sue when they are harmed by illegal water pollution. However, when the US Supreme Court released its decision in Sackett vs. EPA, it severely cut the number of streams and wetlands that would be protected under the CWA, which means that a citizen's ability to sue was also severely restricted. While Maryland still protects these waterways, a Maryland citizen cannot take action like they could under the CWA.

This is why HB1104 is urgently needed. The Clean Water Justice Act of 2024 would provide a new right for impacted community members to enforce the law in state court, the same way they could previously in federal court.

Communities situated around these waters, can have negative health impacts if they are polluted, but this is just one reason why the need to be able to take action is needed on the State level. But on a greater scale, as we all know, the Chesapeake Bay is an important water system for Maryland and the United States, both economically and environmentally. But the bay itself is fed by many of the streams and wetlands that were stripped from Sackett vs. EPA. If these waterways are harmed, this inevitably leads to the Bay being harmed, which could lead to greater harm to larger populations. With the passage of the Clean Water Justice Act, citizens within these communities will be able to act before larger problems can develop within the Bay.

Thank you for your consideration of this important legislation.

**We respectfully urge a favorable report.**

Virginia Smith  
Columbia, MD 21044

# **Sponsor Amendment for HB1101 032624.pdf**

Uploaded by: Betsy Nicholas

Position: FWA

**HB1101 - Clean Water Justice Act - Sponsor Amendment**  
**March 26, 2023**

In the amendment process on HB 1101, “government entity” was the term first used, and it was requested by MDE to use the defined term of “political subdivision” as it is far narrower in scope. The bill sponsors and advocates agreed to that amendment. However, in the final version “political subdivision” was removed from the bill – these amendments seek to fix that, adding it back into the bill.

For the first instance under "Standard", Political Subdivision [p.3 lines 25-26] is important in a few specific instances: 1) pre-treatment permits are almost always developed by the publicly-owned treatment works (or wastewater treatment plant) and regulate what must be removed before discharging to the POTW, e.g., PFAS, lead, PCBs, mercury, etc., and 2) stormwater permits, where local governments set the standard based on location conditions, e.g., water retention standards for a 2" inch rainfall. Since the bill otherwise limits the types of permits, this will not expand to allow challenges of local land use, zoning, or other decisions, merely to include enforcement of water pollution permits issued by the Secretary to standards for those permits that are, in some instances, established by political subdivisions.

Political subdivision is defined in the bill [p.3 line3 13-19] and in a practical sense, this definition includes quasi-governmental structures like WSSC (Washington Suburban Sanitary Commission), METCOM (St. Mary's County Metropolitan Commission) that operate wastewater treatment plants. However, the reference to Political Subdivision was *not* added where “government entity” was removed on p. 5, line 4. The largest point source of water pollution has always been municipal wastewater and stormwater facilities and Congress has always known that we must address them and never had any thought of excluding or exempting them. Instead, Congress (and MD) has always provided enormous subsidies to help them reduce pollution, while simultaneously demanding compliance, e.g., the Back River facility in Baltimore. Secondly, it sends a really bad signal to suggest that the government is above the law and that privately owned facilities and small businesses must be held to a higher standard than our own governments.

In including “political subdivision,” it is critical to understand that this will result in virtually no additional liability compared to where we were historically. The bill does *not* establish new legal requirements or prohibitions. There is no reason to believe that the law will result in any change to the overall number of enforcement actions going forward. This new state law would only be used as a backstop when a federal court is not an option. In fact, under State law, water pollution penalties are less than 15% of the federal penalty so any new enforcement actions under the new law that would have otherwise been brought under federal law will result in far less liability for the polluter. Again, the law provides recourse of last resort for Marylanders seeking to stop illegal pollution.

# **Arundel Rivers Testimony FWA crossover HB1101.pdf**

Uploaded by: Elle Bassett

Position: FWA



PO Box 760 Edgewater, MD  
21037

410-224-3802  
[www.arundelrivers.org](http://www.arundelrivers.org)

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**Testimony in SUPPORT of HB1101 Standing – Environmental and Natural Resources Protection  
Proceedings  
(Clean Water Justice Act of 2024)**

Education, Energy, and Environment Committee  
March 26, 2024

Dear Chair Feldman and members of the Committee,

Thank you for the opportunity to submit testimony in **SUPPORT WITH AMENDMENTS OF HB1101**, on behalf of Arundel Rivers Federation. Arundel Rivers is a non-profit organization dedicated to the protection, preservation, and restoration of the South, West and Rhode Rivers with over 3,500 supporters. Our mission is to work with local communities to achieve clean, fishable, and swimmable waterways for present and future generations.

House Bill 1101 gives residents and communities harmed by illegal water pollution the ability to enforce state law through the courts – a right that unfortunately was stripped away when the U. S. Supreme Court removed federal, Clean Water Act protections for many of our streams and wetlands. Thankfully, Maryland law still protects these streams and wetlands; however, Maryland currently does not guarantee a right for communities to enforce the law like they were once able to under the Clean Water Act.

Wetlands and smaller streams store stormwater and filter out pollution, protecting our communities from flooding and poor water quality. These aquatic ecosystems are also among the most diverse habitats across the state, providing valuable niches of biodiversity across an increasingly urban landscape. Arundel Rivers and our communities are often on the front lines, monitoring these waterways and activities that threaten them. These communities should have the right to carry their findings forward in a courtroom to enforce existing law.

Arundel Rivers is respectfully requesting “government entity” be added back into the bill via amendment. Government entities should be held accountable, just like everyone else when they break clean water laws. Government entities are most often subject to suits for sewage overflows, something that is a grave risk to public health due to bacteria in the effluent. It is essential that our government also be held to the Clean Water Act.

For all these reasons, Arundel Rivers respectfully requests a **REPORT WITH AMENDMENTS  
REPORT on HB1101.**

Sincerely,

A handwritten signature in cursive script that reads "Elle Bassett".

Elle Bassett  
South, West and Rhode Riverkeeper  
Arundel Rivers Federation

# **HB1101 - CASA Written Testimony.pdf**

Uploaded by: Jose Coronado Flores

Position: FWA



**Testimony in SUPPORT of HB1101**  
**Standing - Environmental and Natural Resources Protection Proceedings (Clean Water Justice Act of 2024)**

House - Environment and Transportation  
Jose Coronado-Flores , On Behalf of CASA

February 29th, 2024

Dear Honorable Chair Korman and Members of the Committee,

CASA is pleased to offer **favorable testimony in support of HB1101**, because it is important legislation that will address the regressive impact of the recent Sackett Vs. EPA ruling on a community's ability to combat illegal water pollution in local waterways.

In particular, CASA is invested in seeing this bill pass, because our members reside in communities where flooding and inadequate stormwater management put people at risk of dangerous exposure to toxins in the water during severe weather. We cannot risk unrecognized and unaddressed illegal pollution during this era of extreme and sudden flooding. For example, East Riverdale, MD is a community that is not only overburdened and underserved as defined by its EJ score but also is in the Anacostia River's floodplain. Making sure that community members can witness and bring polluters of their local waterways to justice by connecting with water protecting organizations to bring lawsuits is a critical preemptive solution to pollution in vulnerable waterways.

Lastly, our members live in areas that are seen as "paths of least resistance," meaning that polluters feel that they can pollute our waterways with no one to notice, care, or keep them in check. These same sentiments left the Anacostia River and its streams extremely polluted prior to the federal government's Clean Water Act, which acted as a direct vehicle to addressing egregious pollution in the river and working towards restoring its quality. As our membership transitions from being new Americans to generational Americans, they will feel greater connection with the land on which they reside. They will be the new generation of water keepers and protectors.

Wetlands and streams are the lungs and kidneys of our landscape – filtering out pollution, keeping drinking water clean, protecting us from flooding and storm surges, and providing billions of dollars in benefits. Given our urgent climate and biodiversity crises, we should be doing everything we can to protect these waterways. For these reasons, CASA urges a favorable report.

Jose Coronado-Flores  
Research and Policy Analyst  
jcoronado@wearecasa.org, 240-393-7840

# **ShoreRivers Testimony\_HB1101\_Favorable with Amendm**

Uploaded by: Matt Pluta

Position: FWA





## Testimony in SUPPORT of HB1101

March 25, 2024

Dear Chairman Feldman and Members of the Committee,

Thank you for this opportunity to submit testimony **Favorable with Amendments** for **HB1101** on behalf of ShoreRivers.

Maryland currently lacks a mechanism that allows community members impacted by water pollution to hold polluters accountable in state court for their actions. This is important, as citizen suit provisions can assist regulatory agencies in addressing pollution and, when an administration fails to act, it gives communities assurance that they have the means to protect themselves from water pollution.

At the federal level, a citizen suit provision is a foundational component of the Clean Water Act that affords communities the opportunity to defend their right to swimmable, fishable, and drinkable waters. This provision has proven to be effective. Over a 10-year period, Waterkeeper groups representing communities impacted by water pollution have brought nearly 25% of Clean Water Act lawsuits in the nation.

We support **HB1101** because it restores a legal right that individuals lost when the U.S. Supreme Court ruled in the *Sackett v. Environmental Protection Agency* case where the federal definition Waters of the U.S. was narrowed to exclude ephemeral wetlands and intermittent streams, or those waterways that are flowing and filtering out pollution only after it rains. Luckily, Maryland's definition of Waters of the State includes those wetland and streams, so they are still legally protected in State law. **However, the State law lacks the citizen suit provision that Federal law has, therefore, if these wetlands and streams were polluted, they can't be protected in the court by the communities impacted.**

**HB1101** is fair across all communities, and provides anyone in Maryland a right to protect themselves against water pollution. The Clean Water Justice Act does not target one industry over another, and it does not place an additional strain of resources on any entity. Specifically, this does not target or disproportionately impact farmers or poultry growers on the Eastern Shore. Poultry growers are already covered under a federal permit for the operation of their poultry houses. **Also, the bill as amended removes government entities from liability if they were to pollute these same waterways and we ask that this committee remove that amendment and put *government entity* back in the bill.** The government is responsible for the safe handling and discharge of the majority of wastewater and a significant amount of stormwater entering local rivers every day and they should be held accountable, just like everyone else, when they break the law.

Giving community members the appropriate tools to defend their local waterways is an important part of making sure that Marylanders can maintain healthy and vibrant natural resources that provide benefits beyond just the physical use of a waterway. We ask the Committee to please vote favorably and give Marylanders the right to stop pollution if ever they need to.

Sincerely,

### ShoreRivers

Isabel Hardesty, Executive Director  
Annie Richards, Chester Riverkeeper | Matt Pluta, Choptank Riverkeeper  
Ben Ford, Miles Wye Riverkeeper | Zack Kelleher, Sassafras Riverkeeper



Matt Pluta  
**Choptank Riverkeeper**  
**ShoreRivers**

**HB 1101 - CBF - FWA - EEE.pdf**

Uploaded by: Matt Stegman

Position: FWA



# CHESAPEAKE BAY FOUNDATION

Environmental Protection and Restoration  
Environmental Education

## House Bill 1101

Standing - Environmental and Natural Resources Protection Proceedings  
(Clean Water Justice Act of 2024)

Date: March 26, 2024  
To: Education, Energy, and the Environment Committee

Position: **FWA**  
From: Matt Stegman  
MD Staff Attorney

Chesapeake Bay Foundation (CBF) **SUPPORTS HB 1101, the Clean Water Justice Act of 2024, WITH AMENDMENTS TO BE OFFERED BY THE SPONSOR.** The bill ensures that communities throughout Maryland have access to state courts to demand enforcement of laws that protect our waterways from pollution. Communities previously enjoyed access to federal courts to pursue enforcement actions under the Clean Water Act (CWA). However, the United States Supreme Court's decision late last year in *Sackett v. Environmental Protection Agency*<sup>1</sup> casts into serious doubt whether many ephemeral streams and wetlands previously covered by the CWA are still protected. Fortunately, Maryland already has existing laws that protect these waterways, however a provision for regular citizens to enforce those laws akin to what was provided by the CWA does not exist in current state law.

As important as it is to note what HB 1101 will do to protect communities impacted by pollution, it is also important to note what the bill will *not* do. HB 1101 does not create a right of judicial review of final agency actions, and it does not expand standing beyond that provided by federal courts, essentially restoring the enforcement of clean water laws to what existed before the *Sackett* ruling.

Sponsor amendments would restore "political subdivisions" as an entity that may be sued for an enforcement action. This is an important provision in the bill, as it is the backstop communities have when they have exhausted all other recourse and federal court is not an option. As a principle, it is important that governments be held to at least the same standards to care for our environment as private industry. The bill does not create any new requirements or legal prohibitions so it is very unlikely that the total volume of enforcement actions in the state will increase if this bill is passed. Additionally, the penalties assessed against a polluter in state courts are often significantly less than equivalent federal penalties. The practical impact of the amendment does not appreciably increase the legal liabilities of local governments, but does preserve access to legal redress in a very small number of instances where federal courts may no longer be available.

### **CBF urges the Committee's FAVORABLE WITH AMENDMENT report on HB 1101**

For more information, please contact Matt Stegman, Maryland Staff Attorney, at [mstegman@cbf.org](mailto:mstegman@cbf.org).

<sup>1</sup> 598 U.S. \_\_\_\_ (2023).

Maryland Office • Philip Merrill Environmental Center • 6 Herndon Avenue • Annapolis • Maryland • 21403

# **HB 1101\_Maryland Catholics for Our Common Home\_EEE**

Uploaded by: Robert Simon

Position: FWA



# Maryland Catholics for Our Common Home

Responding to the cry of the Earth  
and the cry of the poor.

Hearing before the Senate Education, Energy and the Environment Committee  
Maryland General Assembly  
March 26, 2024

**Statement of Support (FAVORABLE WITH AMENDMENTS)  
of Maryland Catholics for Our Common Home on  
HB 1101, Clean Water Justice Act of 2024**

Maryland Catholics for Our Common Home (MCCH) is a lay-led organization of Catholics from parishes in the three Catholic dioceses in Maryland: the Archdiocese of Baltimore, the Archdiocese of Washington, and the Diocese of Wilmington. It engages in education about, and advocacy based upon, the teachings of the Catholic Church relating to care for creation and respect for all life. MCCH is a grassroots voice for the understanding of Catholic social teaching held by a wide array of Maryland Catholics—over 500 Maryland Catholics have already signed our statement of support for key environmental bills in this session of the General Assembly—but it should be distinguished as an organization from the Maryland Catholic Conference, which represents the public policy interests of the bishops who lead these three dioceses.

MCCH would like to express its strong support for passage of House Bill 1101, the Clean Water Justice Act of 2024, with the inclusion of the sponsor amendments as described below. As Catholics, we view care for God’s creation and care for vulnerable groups in society as an integral part of our faith, as taught by recent Popes, including the forceful statements of Pope Francis in his encyclical, *Laudato Si’: On Care for Our Common Home*<sup>1</sup> (2015), and in his more recent apostolic exhortation, *Laudate Deum*<sup>2</sup> (2023).

In *Laudato Si’*, Pope Francis devotes an entire section to “*The Issue of Water*” (*Laudato Si’*, Chapter 1, Section II, nos. 27-31). He speaks directly to the impact of “water poverty” relating to the availability of fresh drinking water (*Laudato Si’*, no. 28); the problem of water quality available to the poor in light of mining, farming, and industrial actions that are not adequately regulated or controlled (*Laudato Si’*, no. 29). Pope Francis also draws attention in *Laudato Si’* to the how the scarcity of water will lead to increases in the cost of food and products which depend on its use (*Laudato Si’*, no. 31)—all of which will disproportionately impact the poor and most vulnerable.

We believe the mentality behind the lawsuit (*Sackett v. EPA*) that gutted the Clean Water Act of its ability to regulate water (especially wetlands) represents a lack of concern—other than economic benefits to be obtained—for the common good and the demands of social justice. The current situation created by this lawsuit will likely lead to a greater loss of wetlands, a greater loss of animal habitats, along with more pollution which, again, is more likely to impact the poor and more vulnerable among us. This must be fixed.

House Bill 1101, the Clean Water Justice Act of 2024, will restore the right for impacted community members—again, more likely the overburdened and underserved—to enforce the law protecting clean water in state court, in the same way that they were previously able to do in federal court. This will help maintain the common good based on fairness and morally and scientifically justified standards. The bill is also in keeping with Pope Francis’s admonition in *Laudato Si’* that the ecological crisis we face necessitates the need to assure “that each government carries out its proper and inalienable responsibility to preserve its country’s environment and natural resources...” (*Laudato Si’*, no. 38) From our Catholic faith perspective, this bill contributes to the restoration of our common home, promotes the common good, and helps meet the demands for social justice.

We believe that the Clean Water Justice Act of 2024 will move the State of Maryland forward in a positive direction, but to do so in the most effective way, it would be important for the Senate to correct a deletion made by the House of Delegates, by adopting the sponsor amendments that will put “political subdivision” back into the bill under who can be sued. "Political Subdivision" is extremely important to include, because if it is removed, this bill would make Maryland law far weaker than was the case before the Supreme Court’s decision in Sackett v. EPA. That would be an anomalous and unfortunate result. MCCH also supports the additional of uncodified language that had previously been offered as an amendment to House Bill 1101, which would set up an informal stakeholder process to review how the new law is functioning after two years. This will help ensure that the bill accomplishes its goals without undue or unintended consequences.

For all the above reasons we strongly urge your support of House Bill 1101, the Clean Water Justice Act of 2024, with the sponsor amendments described.

Thank you for your consideration of our views and our respectful request for a **favorable with amendments** report on House Bill 1101.

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<sup>1</sup> The English text of the encyclical, to which the paragraph numbers in the parentheses, can be found at: [https://www.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco\\_20150524\\_enciclica-laudato-si.html](https://www.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco_20150524_enciclica-laudato-si.html).

<sup>2</sup> The English text of the apostolic exhortation, to which the paragraph numbers in the parentheses refer, can be found at: [https://www.vatican.va/content/francesco/en/apost\\_exhortations/documents/20231004-laudate-deum.html](https://www.vatican.va/content/francesco/en/apost_exhortations/documents/20231004-laudate-deum.html).

# **FWA\_HB1101 Clean Water Justice Act - Waterkeepers**

Uploaded by: Robin Broder

Position: FWA





## HB1101 – Clean Water Justice Act

Senate EEE Hearing Date: March 26, 2024

### Position: FAVORABLE with amendments

Dear Chair Feldman and Members of the Education, Energy and the Environment Committee:

Waterkeepers Chesapeake and the below signed organizations strongly urge a FAVORABLE report with the sponsor’s technical amendments on HB1101 – the Clean Water Justice Act. The Clean Water Justice Act allows communities harmed by illegal water pollution to enforce state law. Access to the courts to enforce laws that protect communities from pollution was at the heart of the federal Clean Water Act (CWA). Unfortunately, the U.S. Supreme Court decision in *Sackett v EPA* removed more than half of streams and wetlands from federal Clean Water Act protection. Fortunately, Maryland still protects these waterways, but our law provides no right for communities to enforce the law like under the CWA.

Wetlands and streams are the lungs and kidneys of our landscape – filtering out pollution, keeping drinking water clean, protecting us from flooding and storm surges, and providing billions of dollars in benefits. These aquatic ecosystems are also among the very most valuable biodiverse habitats. Now, the majority of these waterways are only protected by Maryland law.

Given our urgent climate and biodiversity crises, we should be doing everything we can to protect these waterways and restore what was lost after the Supreme Court decision.

The Maryland General Assembly has long established itself as a leader among states in creating protections for water quality that go beyond the federal minimum. This leadership is needed now more than ever. The public enforcement right written into the Clean Water Act serves as a crucial backstop to regulators who do not act to enforce violations of water pollution laws. Even though state and federal agencies were intended to be the primary enforcers, Congress knew that the public would be an essential backstop, stepping up to enforce the Act where regulatory agencies refused.

The Clean Water Justice Act does not change any environmental standards or add any new requirements. It simply provides a public right to enforce our water quality laws. It ensures that no Marylander is left without access to justice or the ability to protect their right to ensure their waters are made unsafe by illegal levels of pollution.

The Clean Water Justice Act, for inland wetlands and intermittent and ephemeral streams, will:

- Restore a right for impacted community members to enforce the law in state court the same way that they were previously able to do in federal court under the Clean Water Act.
- Give Marylanders the same degree of access to state courts as they have in federal court.
- Repair the threat to Maryland's critical water resources caused by the U.S. Supreme Court decision.

We strongly support the sponsor's technical amendments that put "political subdivision" back into the bill under who can be sued. "Political Subdivision" is extremely important to include, and if it is removed, this bill would make Maryland law far weaker than what we had pre-Sackett. First, we should not be exempting or excluding a class of polluters, especially not such a large one as municipal entities. In addition, it sends a bad signal that the government is above the law and that privately owned facilities and small businesses must be held to a higher standard than our own governments.

In including "political subdivision," it is critical to understand that this will result in virtually no additional liability as compared with where we were historically. The bill does not establish new legal requirements or prohibitions. There is no reason to believe that the law will result in any change to the overall number of enforcement actions going forward. This new state law would only be used as a backstop when federal court is not an option. In fact, under State law, water pollution penalties are less than 15% of the federal penalty so any new enforcement actions under the new law that would have otherwise been brought under federal law will result in far less liability for the polluter. Again, the law provides recourse of last resort for Marylanders seeking to stop illegal pollution.

In addition, we urge that the uncodified language that had previously been offered as an amendment to the HB1101 be included in the bill. This uncodified language would set up an informal stakeholder process to review how the new law is functioning after two years to ensure that the bill accomplishes its goals and without undue or unintended consequences.

With the inclusion of these sponsor amendments, it's important to note that the bill does not create a right of judicial review of final agency actions, and does not expand standing beyond that provided by federal courts, essentially restoring the enforcement of clean water laws to what existed before the Supreme Court's ruling.

Many noteworthy environmental enforcement actions in Maryland have been brought by community groups, with the state often then subsequently filing an enforcement action, allowing the community groups to work alongside the state to enforce the law and negotiate settlements. This partnership is something that has brought crucial capacity to the state to enforce the law and utilizes the community members as the eyes and ears on the water.

Thank you for your consideration, and we look to the committee to give HB1101 with the sponsor's technical amendments a favorable report.

Contact: Robin Broder, Waterkeepers Chesapeake, [robin@waterkeeperschesapeake.org](mailto:robin@waterkeeperschesapeake.org)

Organizations signed on:

Potomac Riverkeeper Network	Climate XChange
Chesapeake Legal Alliance	Interfaith Partners for the Chesapeake
ShoreRivers	Severn River Association
Chester Riverkeeper	Trash Free Maryland
Choptank Riverkeeper	League of Women Voters of Maryland
Miles-Wye Riverkeeper	Maryland Conservation Council
Sassafras Riverkeeper	Coalition to Prevent Stream Destruction
Arundel Rivers Federation	Cedar Lane Environmental Justice Ministry
South, West & Rhode Riverkeeper	IndivisibleHoCoMD Environmental Action Team
Chesapeake Bay Foundation	St. Mary's River Watershed Society
Clean Water Action	Maryland Legislative Coalition Climate
Maryland PIRG	Justice Wing
Potomac Conservancy	CASA
Maryland League of Conservation Voters	National Aquarium
Sierra Club Maryland Chapter	Quaker Voices
Blue Water Baltimore - Baltimore Harbor	Audubon Mid-Atlantic
Waterkeeper	Baltimore Jewish Council
Assateague Coastal Trust - Assateague	Environment Maryland
Coastkeeper	Maryland Pesticide Education Network
Anacostia Riverkeeper	Alice Ferguson Foundation
Potomac Riverkeeper	Beaverdam Creek Watershed Watch Group
Upper Potomac Riverkeeper	Rock Creek Conservancy
Patuxent Riverkeeper	Public Employees for Environmental
Severn Riverkeeper Association	Responsibility
Gunpowder Riverkeeper	Center for Progressive Reform
Lower Susquehanna Riverkeeper	The 6th Branch
Association	Nature Forward

Earth Force  
Unitarian Universalist Legislative Ministry of  
Maryland  
Maryland Catholics for Our Common Home  
Center for Water Security and Cooperation  
Vernal Pool Partners  
Queen Anne's Conservation Association  
The Nature Conservancy  
Rebuild Maryland Coalition  
Friends of Quincy Run Watershed  
Warm Springs Watershed Association  
Ward 8 Woods Conservancy (DC)  
Safe Healthy Playing Fields Inc.  
Sustainable Hyattsville  
Environmental Integrity Project

# **Petition Supporting HB1101 Clean Water Justice Act**

Uploaded by: Robin Broder

Position: FWA

**March 25, 2024**

**Petition Calling on Maryland to Pass the Clean Water Justice Act**

**To: Maryland Senate and Maryland House of Delegates**

**From: 691 Petition Signers Listed Below**

As a Maryland resident, I urge you to support HB1101 -- the Clean Water Justice Act. This act allows communities harmed by illegal water pollution to enforce state law. Access to the courts to enforce laws that protect communities from pollution was at the heart of the federal Clean Water Act (CWA). Unfortunately, the U.S. Supreme Court recently removed most streams and wetlands from Clean Water Act protection. Fortunately, Maryland still protects these waterways, but it has no right for communities to enforce state law like under the CWA. Wetlands and streams are the lungs and kidneys of our landscape – filtering out pollution, keeping drinking water clean, protecting us from flooding and storm surges, and providing billions of dollars in benefits. These aquatic ecosystems are also among the very most valuable biodiverse habitats. Now, the majority of these waterways are only protected by Maryland law. Given our urgent climate and biodiversity crises, we should be doing everything we can to protect these waterways.

The Clean Water Justice Act will:

- Restores a right for impacted community members to enforce the law in state court the same way that they were previously able to do in federal court under the Clean Water Act.
- Give Marylanders the same degree of access to state courts as they have in federal court.
- Repair the threat to Maryland’s critical water resources caused by the U.S. Supreme Court decision.

It’s important to note that the bill does not create a right of judicial review of final agency actions, and does not expand standing beyond that provided by federal courts, essentially restoring the enforcement of clean water laws to what existed before the Supreme Court's ruling.

It is critical that all communities have access to justice. Thank you for your supporting HB1101.

Sincerely,

Elizabeth	A Kopf	Baltimore	MD
Robert	A Macht	Baltimore	MD
Anayezuka	Ahidiana	Baltimore	MD
Sonda	Allen	Baltimore	MD
Margaret	Allen	Baltimore	MD

Robin	Allen	Towson	MD
Jean	Allen	Chevy Chase	MD
	Allen -		
Judith	Leventhal	Accokeek	MD
Vassiliki	Anderjaska	Stevensville	MD
Susan	Anderson	Perry Hall	MD
Diane	Andrulonis	Port Deposit	MD
Valerie	Angelo	Galena	MD
Lynda	Anozie	Baltimore	MD
Kathleen	Anuzis	Baltimore	MD
Carol	Appleby	Towson	MD
Jack	Arnold	Baltimore	MD
Jayne	Ash	Darlington	MD
Dale	Balfour	Towson	MD
Ashley	Bamfo	Laurel	MD
April	Banks	Middle River	MD
Ellen E	Barfield	Baltimore	MD
Polly	Bart	Sparks Glencoe	MD
Elle	Bassett	Edgewater	MD
Brian	Bauer	Baltimore	MD
Paul	Beares	Sykesville	MD
Nancy	Becker	Silver Spring	MD
Barbara	Beelar	Annapolis	MD
Kathleen	Berney	Hyattsville	MD
Bonnie	Bick	Oxon Hill	MD
Nelson	Bond	Baltimore	MD
Bruce	Boswell	Baltimore	MD
Victoria	Boucher	Hyattsville	MD
Cate	Bower	West River	MD
Mary Ellen	Boynton	Prince Frederick	MD
Walter	Boynton	Prince Frederick	MD
Jack	Boyson	Baltimore	MD
Wendy	Bozel	Baltimore	MD
Christopher	Brackens	Baltimore	MD
Nathan	Brady	Lutherville	MD
David	Brainerd	Cockeysville	MD
Angie	Brickhouse	Pasadena	MD
Susan	Brockman	Dunkirk	MD
Robin	Broder	Grantsville	MD
Dennis	Bronzert	Shady Side	MD

Ronald	Brown	Essex	MD
Sarah	Brown	Lutherville Timonium	MD
Valerie	brown	Crownsville	MD
Marney	Bruce	Bethesda	MD
August	Bryant	Baltimore	MD
Susan	Buckingham	Chester	MD
Rita	Bueche	Towson	MD
Mary	Bunting	Baltimore	MD
Libby	Burgon	Baltimore	MD
Bo	Burk	Lanham	MD
Vivian	Cabral	Baltimore	MD
Maryanna	Cain	Baltimore	MD
Sally	Callihan	Cockeysville	MD
Lauren	Campbell	Rockville	MD
Kristin	Carbone	Baltimore	MD
Marilyn	Carlisle	Baltimore	MD
Nadia	Carrell	Bethesda	MD
Dorothy	Carter	Glen Burnie	MD
Carolyn	Case	Cockeysville	MD
Kimberly	Cashman	Ruxton	MD
Steven	Cates	Elkridge	MD
Douglas	Cattaneo	Baltimore	MD
Patricia	Cavallaro	Chestertown	MD
Joe	Cavallaro	Chestertown	MD
Douglad	Celmer	Essex	MD
James	Chagetas	Abingdon	MD
Liz	Chamberlain	Middle River	MD
Sue	Chapelle	Baltimore	MD
John	Chapman	Baltimore	MD
Patricia	Child	Severna Park	MD
Gary	Chirlin	Derwood	MD
Chris	Choppin	Silver Spring	MD
Michael	Chronister	Baltimore	MD
Janet	Clark	Catonsville	MD
Jonathan	Clemens	Baltimore	MD
Eliza	Cliff	Pikesville	MD
Dawna	Cobb	Cockeysville	MD
Jeff	Colburn	Crownsville	MD
Meghan	Cole	Columbia	MD
Daniel	Cole	Brunswick	MD



Anne	Colgan	Baltimore	MD
BARBARA	COLLINS	Frederick	MD
Angela	Constantino	Baltimore	MD
Brittany	Coverdale	Baltimore	MD
Mathilde	Coyle	Annapolis	MD
Darin	Crew	Baltimore	MD
Lindsay	Crone	Middle River	MD
Matthew	Crowe	Baltimore	MD
Amanda	Cunningham	Baltimore	MD
Aileen	Curfman	Boonsboro	MD
William	Curtis	Baltimore	MD
Ginger	Cushing	Centreville	MD
Diane	Dailey	Parkton	MD
Janis	Danforth	Baltimore	MD
Katrina	Davies	Windsor Mill	MD
Carol	Davis	Owings Mills	MD
Gregory	Davis	Owings Mills	MD
S S	Davis	North Potomac	MD
Greg	DeCowsky	Rock Hall	MD
Patrick	Deignan	Baltimore	MD
Anthony	Del Plato	Interlaken	NY
Adriana	DeLuca	Baltimore	MD
Gail	DeMoss	Pasadena	MD
David	Demuth	Towson	MD
Leo	Diaz	Baltimore	MD
Susan	Dickerson	Clinton	MD
Mark	Diestler	Baltimore	MD
Mary	Dolan	Baltimore	MD
Margaret	Downing	Catonsville	MD
Corinne	Dragwa	Lansdale	PA
Robin	Dumler	Berlin	MD
Seth	Dunbar	Columbia	MD
David	Dunnell	Kensington	MD
Donna	Eden	Lutherville Timonium	MD
Dominique	Edmondson	Upper Marlboro	MD
Rebecca	Eisen	Baltimore	MD
Karen	Ellis	Baltimore	MD
Spencer	Ellsworth	Baltimore	MD
Rebecca	Emery	Salisbury	MD
Paul	Emmart	Baltimore	MD

Hannah	Emmons	Baltimore	MD
Barbara	Engelke	Baltimore	MD
Anthony	Erdman	Baltimore	MD
Rachael	Erichsen	Linthicum Heights	MD
Leslie	Erickson	Jarrettsville	MD
Linda	Eustis	Baltimore	MD
Todd	Evans	Baltimore	MD
Lisa	Feehely	Upper Marlboro	MD
David	Fetter	Baltimore	MD
Lisa	Field	Baltimore	MD
Mary	Finelli	Silver Spring	MD
Paul	Fitzpatrick	Cabin John	MD
Laurence	Fogelson	Baltimore	MD
Kerry	Folan	Easton	MD
Cheryl	Foley	BEL AIR	MD
Margaret	Ford	Easton	MD
Cathy	Foutz	Chesapeake Beach	MD
Michael	Fox	Towson	MD
Juliette	Fradin	Hyattsville	MD
John	Frank	Baltimore	MD
Donna	Franklin	Silver Spring	MD
Karen	Framer	Glen Arm	MD
Leanna	Frick	Baltimore	MD
Gregory	Fromme	Baltimore	MD
Marian	Fry	Chestertown	MD
Phyllis	Gaiti	Oxford	MD
Lizzett	Garcia	Washington	DC
Albert	Garcia-Romeu	Baltimore	MD
John	Garofolo	Stoney Beach	MD
Julia	Gaver	Baltimore	MD
Linda	Gaydos	Galena	MD
T	Gendron	Baltimore	MD
Jay	Gentry	Baltimore	MD
Suzy	Gerlak	Baltimore	MD
Tom	Gilhuley	Baltimore	MD
George	Gill	Edgemere	MD
Sandra	Gohn	Baltimore	MD
Carl	Gold	Towson	MD
August	Goldfischer	Baltimore	MD
Sharna	Goldseker	Baltimore	MD

Ramon	Gonzalez	Baltimore	MD
Debbie	Gousha	Berlin	MD
Damion	Graves	Baltimore	MD
Anne B.	Gray	Towson	MD
Laila	Greene	Ellicott City	MD
Susan	Gresens	Baltimore	MD
Josh	Griffith	Eldersburg	MD
Terry	Grogan	Ocean City	MD
Colleen	Guler	Ellicott City	MD
Wendy	Hall	Columbia	MD
Edward	Halle	Upperco	MD
Jennifer	Halstead	Baltimore	MD
Paulette	Hammond	Catonsville	MD
Robert	Harrell	Idlewylde	MD
Kathleen	Harris	Marriottsville	MD
George	Harris	Annapolis	MD
Jill	Harrison	Baltimore	MD
Nicole	Hartig	Baltimore	MD
Amy	Hartzler	Washington	DC
Annabelle	Harvey	Baltimore	MD
Molly	Hauck	Kensington	MD
Lucy	Haus	Lutherville	MD
Cynthia	Hayes	Galena	MD
Hillary	Heckwolf	Towson	MD
Michael	Heffron	Bowie	MD
Crystal	Heiser	Snow Hill	MD
Bruce	Henderson	Baltimore	MD
Molly	Heroux	Frederick	MD
Nicole	Heyn-Brontis	Arvada	CO
Genia	Hill	Towson	MD
Sye	Ho	Baltimore	MD
Ashley	Hoard	Baltimore	MD
Karen	Holcomb	Chestertown	MD
Helen	Holden	Baltimore	MD
Joy	Holderness	Dundalk	MD
John	Holland	College Park	MD
Sarah	Holter	Baltimore	MD
Joseph	Horgan	Kensington	MD
Tim	Hreha	Baltimore	MD
Hadley	Hubbard	Baltimore	MD

Charles	Huber	Westminster	MD
Zachary	Hudson	Baltimore	MD
Sandy	Huffer	Annapolis	MD
Rita	Hughes	Abingdon	MD
Virginia	Hulme	Rockville	MD
Kurt	Huppert	Cockeysville	MD
Leda	Huta	Silver Spring	MD
Carol	Hylton	Baltimore	MD
Marc & Alice	Imlay	Bryans Road	MD
Yvonne	Irvin	Indian Head	MD
Evan	Isaacson	Annapolis	MD
Sarah	Jackson	Baltimore	MD
Barbara	Jarvis	Baltimore	MD
Destry	Jarvis	Baltimore	MD
Emily	Jaskot	Baltimore	MD
Gayle	Jayne	Centreville	MD
Melissa	Jenkins	Towson	MD
Melissa	Jenkins	Towson	MD
Matthew	Johnston	Edgewater	MD
Allison	Jones	Loch Raven	MD
Sharon	Jones	Olney	MD
Virginia	Joyce	Owings Mills	MD
Linda	Just		MD
Roberta	Kasik	Randallstown	MD
Julie	Kastner	Parkville	MD
Tracey	Katsouros	Waldorf	MD
Jack	Kerns	Timonium	MD
Helen	Kiefert	Baltimore	MD
Robert	Killius	Mechanicsville	MD
Carolyn	Kinsey	Sparrows Point	MD
Mackenzie	Kirschbaum	Falls Church	VA
Kathleen	Kiselewich	Baltimore	MD
Linda	Klouzal	Baltimore	MD
Jason	Kopp	Washington	DC
Joy	Kroeger-Mappes	Frostburg	MD
Bernadette	Krol	Baltimore	MD
Ilana	Krug	Idlewylde	MD
Elliott	Kurtz	Baltimore	MD
Konstantine	Kyriacopoulos	Salisbury	MD

Brian	Lachapelle	Severna Park	MD
Laura	Ladenheim	Baltimore	MD
Barbara	Lagas	Columbia	MD
Liz	Lamb	Baltimore	MD
Lisa	Land	Baltimore	MD
Jessica	Landman	Takoma Park	MD
Caryn	Laney- MacLuan	Glen Burnie	MD
M.	Langelan	Chevy Chase	MD
Todd	Larsen	College Park	MD
Dona	LaSchiava	Green Valley	AZ
Henry	Lattimore	Baltimore	MD
Cynthia	Lawrence	Cambridge	MD
Jenna	Lazo	Edgewater	MD
Dew	Leak	Parkville	MD
Elizabeth	Lertch	Baltimore	MD
Amanda	Letts	Baltimore	MD
B	Leved	Baltimore	MD
Mary Ellen	Levine	Bethesda	MD
Michele	Levy	Baltimore	MD
Joan	Lewin	Towson	MD
Eleanor	Lewis	Baltimore	MD
Shirlene	Littlejohn	Baltimore	MD
Annmarie	Lombardi	Baltimore	MD
Ilsa	Lottes	Owings Mills	MD
Denise	Loverde	Rosedale	MD
John	Lowe	Braddock Heights	MD
Sarah	Luttrell	Randallstown	MD
Sean	Lynch	Potomac	MD
Aubri	Lynn	Brandywine	MD
Katharine	MacDonnell	Cambridge	MD
Margaret	MacDonnell	Cheverly	MD
Joan	MacDonnell	Upper Marlboro	MD
Rachael	Mady	Ellicott City	MD
Gregory	Magliacane	Baltimore	MD
Kelli	Magrath	Bowie	MD
Roberta	Maguire	Easton	MD
John	Marra	Baltimore	MD
Katherine	Martin	Perry Hall	MD
Heather	Martley	Baltimore	MD

Kelly	Mayor	Montgomery Vlg	MD
Kathleen	McCarty	Baltimore	MD
Mary	McCaul	Cambridge	MD
Liz	McDowell	Grantsville	MD
Frances	McGaffey	Baltimore	MD
John	McHenry	Jefferson	MD
Maya	McHugh	Baltimore	MD
Rich	McKenna	Rosedale	MD
Laura	McManamy	TOWSON	MD
Julia	McMillan	Baltimore	MD
Katrina	Mcmillan-zapf	Annapolis	MD
Alyssa	McMullen	Baltimore	MD
Lee	McNair	Chevy chase	MD
Bibiana	Medina	Baltimore	MD
Anne	Meenan	Sparks	MD
Brian	Megali	Baltimore	MD
Paul	Metzger	Parkville	MD
Peggy	Meyer	Baltimore	MD
Karen	Meyers	Baltimore	MD
Kathy	Milani	Germantown	MD
Eric	Miller	Columbia	MD
Gregory	Miller	Cabin John	MD
Carolyn	Mitchell	Annapolis	MD
Patty	Mochel	Towson	MD
Meredith	Mohr	Elkton	MD
Anu	Moorthy	Baltimore	MD
Madeline	Mora	Catonsville	MD
Eliza	Mullen	Baltimore	MD
Suzannah	Mullen	Halethorpe	MD
Lyn	Mullings	Sykesville	MD
Pat	Munoz	Washington,	DC
Nancy & Jim	Murray	Parkville	MD
Carol	Nau	Jarrettsville	MD
Rachael	Neill	Baltimore	MD
John	Neukam	Essex	MD
G	NICHOLAS	Bishopville	MD
Lindsey	Nieberlein	Baltimore	MD
Brenda	Niemeyer	Towson	MD
Eric	Nuermberger	Towson	MD
Margaret	O'Connor	Baltimore	MD

Mark	Obrinsky	Bethesda	MD
Leslie	Oed	Parkville	MD
Martina	Oertling	Bethesda	MD
Kathy	Ogle	Upper Marlboro	MD
Karen	Orner	Nottingham	MD
DJ	Owens	Hyattsville	MD
Linda	PV°ez	Arnold	MD
Sandra	Parobeck	Pikesville	MD
Stephen	Parsons	Baltimore	MD
Kiara	Patel	Baltimore	MD
Mary P	Patterson	Baltimore	MD
Jane	Paulkovich	Monroe Twp	NJ
Michael	Paulson	Baltimore	MD
Melanie	Pedri	Fort Washington	MD
Mary	Perry	NY	NY
	Pessoa		
Cecilia	Gingerich	Baltimore	MD
	Pessoa		
Tobias	Gingerich	Baltimore	MD
Fred	Petty	Baltimore	MD
Amanda	Pincheira	Catonsville	MD
Dwight	Pinkney	Baltimore	MD
Charla	Platt Doble	Baltimore	MD
Heather	Poff	BALTIMORE	MD
Barbara	Potts	Fort Washington	MD
Sujina	Pradhan	Silver Spring	MD
Nancy	Proctor	Silver Spring	MD
Nancy	Prusakowski	Baltimore	MD
Katherine	Purcell	Baltimore	MD
David	Pusinsky	Sparrows Point	MD
Deborah	Quirk	Loch Raven	MD
Skye	Ragan	Elkton	MD
Kimball	Ranken	Towson	MD
Melissa	Raymond	Sparrows Point	MD
Aiman	Raza	Windsor Mill	MD
Kim	Reichart	Baltimore	MD
Roberta	Reichwein	Davidsonville	MD
Diana	Reighart	Towson	MD
Catherine	Rice	Ellicott City	MD
Tara	Rice	Gaithersburg	MD
Suzanne	Richardson	Pikesville	MD

Kelsey	Richter	Abingdon	MD
E. Anne	Riley	(Beltsville) Silver Spring	MD
Shawna	Robbins	Bryans Road	MD
Yiming	Roberts	Baltimore	MD
Diane	Roca	Columbia	MD
Cristen	Roche	Baltimore	MD
Maureen	Roche	Baltimore	MD
Michelle	Rockwell	Baltimore	MD
Christina	Rogelio	Clarksburg	MD
Benjamin	Rogers	Baltimore	MD
Diana	Roman	Reisterstown	MD
Abigail	Rome	Silver Spring	MD
Susan	Rosenberg	Myersville	MD
Masha	Rosenthal	Baltimore	MD
Lauren	Rosenthal	Lutherville	MD
Phoebe	Rostov	Baltimore	MD
SUZANNE	ROYER	Lutherville Timonium	MD
Emily	Ruf	Cambridge	MD
WILLIAM	RUSS	Gwynn Oak	MD
Alicia	Russman	Annapolis	MD
Nick	Ryder	Parkville	MD
Katharine	Rylaarsdam	Baltimore	MD
Alex	Sadzewicz	Laurel	MD
Ernest	Scalabrin	Baltimore	MD
Nathan	Scheifele	Baltimore	MD
Katherine	Scherr-Adams	Baltimore	MD
Sherry	Schiller	Galesville	MD
Katherine	Schinasi	Centreville	MD
Aimee	Schmidt	Wheaton	MD
N.	Schneider	Baltimore	MD
Anna	Schrad	Catonsville	MD
Patrick	Schumm	Edgewater	MD
ray	Scurr	Baltimore	MD
Camille	Seaberry	Baltimore	MD
Defne	Serhatli	Ellicott City	MD
Leo	Shapiro	College Park	MD
Jordana	Shapiro	Baltimore	MD
Juliana	Shapiro	Baltimore	MD
Carolyn	Shara	Berlin	MD
Shannon	Shea	Rockville	MD



Heather	Sheffield	Frederick	MD
Scott	Shindell	Pikesville	MD
Lee	Shropshire	Baltimore	MD
Sara	Sides	Parkton	MD
Robert	Siems	Baltimore	MD
Pamela	Simon	Laurel	MD
Charles	Skinner	Baltimore	MD
Mary	Slaughter	Silver Spring	MD
Daniel	Smith	Hyattsville	MD
Aarika	Smith	Essex	MD
Lucinda	Snow	Germantown	MD
Bonnie	Snyder	Lutherville-Timonium	MD
David	Sobers	Chestertown	MD
John	Sod	Baltimore	MD
Dona	Sorce	Denton	MD
Jannah	Sorrell	Baltimore City	MD
Mary	Sorrelle	Galena	MD
Jennifer	Spamer	Baltimore	MD
Linda	Speaker	Baltimore	MD
Christopher	Stachlinski	Baltimore	MD
Ganine	Steffe	Baltimore	MD
Arthur	Stewart	Towson	MD
Shannon	Stewart	Sykesville	MD
Kelly	Stinnett	Woodstock	MD
Ann	Stoddard	Hyattsville	MD
Margaret	Stogner	Annapolis	MD
Marvin	Stone	Baltimore	MD
Kristina	Strakna	Baltimore	MD
Lauren	Stranahan	Towson	MD
Doug	Stratton	Parkton	MD
Erin	Straughan	Baltimore	MD
Baird	Straughan	Annapolis	MD
Irene	Struever	Nottingham	MD
Jennifer	Strunge	Baltimore	MD
Duncan	Stuart	Baltimore	MD
Eva	Sullivan	Silver Spring	MD
Kathy	Summers	Washington	DC
Gillian	Switalski	Columbia	MD
Beth	Tasker	Oakland	MD
Cynthia	Taylor	Owings Mills	MD

Richard	Taylor	Millersville	MD
Gregory	Taylor	Baltimore	MD
Cynthia	Taylor	Owings Mills	MD
Tom	Taylor	Greenbelt	MD
Denise	Thatcher	Baltimore	MD
Susan	Thomas	Baltimore	MD
Sue	Thompson	Middle River	MD
Cathy	Thompson	Parkville	MD
Steven	Thompson	White Marsh	MD
Mac	Thornton	Cabin John	MD
Stephanie	Thornton	Baltimore	MD
Patricia	Tice	Rockville	MD
Darran	Tilghman	Chestertown	MD
Jessalyn	Timson	Baltimore	MD
Jordan	Todd	Cambridge	MD
James	Togashi	Silver Spring	MD
Gretchen	Tome	Baltimore	MD
Jeffrey	Tomecek	Baltimore	MD
Sarah	Tooley	Baltimore	MD
Diane	Topper	Towson	MD
Lee	Triolo	Rosedale	MD
Justin	Tritinger	Greenbelt	MD
Donna	Truiett	Baltimore	MD
Can nthia	Trump	Baltimore	MD
Amy	Tschudin	Chevy Chase	MD
Basil	Tydings	Oxford	MD
Aaron	Ucko	Rockville	MD
Dorothy	Valakos	Baltimore	MD
Allison	Valenzia	Millersville	MD
John	Valliant	Centreville	MD
Judy	Van Dyke	Towson	MD
Rhonda	Van Roekel	Baltimore	MD
Thomas	Ventre	Baltimore	MD
Alice	Volpitta	Monkton	MD
Nancy	Vorobey	Baltimore	MD
Natalie	Wallace	Baltimore	MD
Taylor	Walthall	Mclean	VA
Helen	Ward	Owings Mills	MD
Katharine	Washburne	Owings Mills	MD
Maryann	Wasko-Smith	Betterton	MD

Noah	Waters	Aquasco	MD
Charlotte	Watts	Baltimore	MD
Monique	Weatherspoon	Clinton	MD
Peter	Weitzmann	Baltimore	MD
Olivia	Welbourn	Owings Mills	MD
Leslie	Wharton	Bethesda	MD
Connie	Wheeler	Baltimore	MD
A. Renee	Whelehan	Essex	MD
Frederick	Whistler	Catonsville	MD
Kelly	White	Baltimore	MD
Sondra	White	Arnold	MD
Elizabeth W	Whitehead	Gaithersburg MD	MD
Robert	Wicks	Silver Spring	MD
Haniel	Wides	Baltimore	MD
Edward	Wiese	Towson	MD
Elizabeth	Wilkins	Mount Rainier	MD
Debra	Wilson	Deale	MD
Angela	Wolters	Parkville	MD
Kathryn	Wood	Lusby	MD
Virginia	Woolridge	Annapolis	MD
Five	X	Baltimore	MD
Ed	Yalow	BALITMORE	MD
Robin	Yasinow	Rockville	MD
Jennifer	Young	Odenton	MD
Paul	Young-Hyman	Baltimore	MD
Nemesis	Zambrano	Baltimore	MD
Lauren	Anderson	White Hall	MD
Vail	Anderson	Catonsville	MD
Carol	Appleby	Towson	MD
Jillian	Bar-av	Owings Mills	MD
Sean	Bath	Takoma Park	MD
Kenneth	Bawer	Rockville	MD
Dana	Beam	Glen Burnie	MD
Sandy	Bell	Chesapeake Beach	MD
Michael	Bloom	Berwyn Heights	MD
Ryan	Bradley	Greenbelt	
Nathan	Brady	Lutherville	MD
Madison	Brianas	Annapolis	MD
Sarah	Brown	Timonium	MD

Mary Elizabeth	Buettner	Dundalk	MD
Mary	Bunting	Baltimore	MD
Patricia	Burton	Gaithersburg	MD
Laura	Calvert	Adamstown	MD
Nina	Cardin	Pikesville	MD
M	Carlisle	Baltimore	MD
Benjamin	Chronister	Baltimore	MD
Martha	Clark	Baltimore	MD
Charlie	Cooper	Baltimore	
Lindsay	Crone	Middle River	MD
Jean	Cushman	Baltimore	MD
Alexander	Dabrowski	Perry Hall	MD
Elizabeth	Dahl	Parkville	MD
Janis	Danforth	Baltimore	MD
Deborah	Daniel	Greenbelt	MD
Peggy	Darr	Easton md	MD
Louisa	Davis	Baltimore	MD
Ian	Davis	Baltimore	MD
Robin	Davitt	GAITHERSBURG	MD
Sharon	Davlin	Baltimore	MD
Robin	Dax	Odenton	MD
Gail	DeMoss	Pasadena	MD
Erica	Denner	Baltimore	MD
Richard	Deutschmann	Columbia	MD
Ray	Earnest	Preston	MD
Donna	Eden	Timonium	MD
Liz	Entwisle	Phoenix	MD
Leslie	Erickson	Jarrettsville	MD
Barry	Farley	Baltimore	MD
Sandra	Foote	Bethesda	MD
Brytani	Fraser	Baltimore	MD
Alek	Fredriksson	Columbia	MD
Frederick	Frey	Baltimore	MD
Phyllis	Gaiti	Oxford	MD
Becca	Gardner	Darlington	MD
Ashley	Gaver	Baltimore	MD
Sharna	Goldseker	Baltimore	
Debbie	Gousha	Berlin	MD
Scott	Graham	Virginia Beach	VA

Brian	Gumm	Silver Spring	MD
Brendan	Hall	College Park	MD
Wendy	Hall	Columbia	MD
Paulette	Hammond	Catonsville	MD
Melanie	Harris	Silver spring	MD
Molly	Hauck	Kensington	MD
Norman	Hazzard	Columbia	MD
Erin	Healy	Silver Spring	MD
Dawn	Hegarty	Pasadena	MD
Yasmine	Helbling	Bethesda	MD
Lucretia	Honomichl	Severna Park	MD
Tim	Hreha	Baltimore	MD
Adreon	Hubbard	Idlewyld	MD
Patricia	James	Baltimore	MD
Martha	January	Towson	MD
Virginia	Joyce	Owings Mills	MD
Monica	Kearns	Catonsville	MD
Margaret Sister	Kemp	Essex Lutherville	MD
Patricia	Kirk	Timonium	MD
Kathleen	Kiselewich	Baltimore	MD
Marla	Klein	Minneapolis	MN
MICHELLE	KOUL	Severna Park	MD
Jo Anne	Kraus	Baltimore	MD
Konstantine	Kyriacopoulos	Salisbury	MD
Lydia	LaGue	Frederick	MD
Liz	Lamb	Baltimore	MD
Alena	Lattik	Baltimore	MD
Nina	Liakos	Gaithersburg	MD
Shirlene	Littlejohn	Baltimore	MD
Mary	Lohman	Baltimore	MD
Eugene	Lopez	Saint Michaels	MD
Byron	Luna	Centreville	MD
Jes	Maaswinkel	Freeland	MD
James	Madigan	Baltimore	MD
Martha	Marani	Baltimore	MD
Heather	Martley	Baltimore	MD
Thomas	Master	Monkton	MD
Tiffini	McGronan	Baltimore	MD
John	McKusick	Baltimore	MD

Lee	McNair	Chevy Chase	MD
Cheryl	Menage	Edgewater	MD
Annie	Mesaros	Baltimore	MD
Jennifer	Miles-Iosapio	Catonsville	MD
Elizabeth	Miller	Baltimore	MD
Barbara	Miyasaki	Cockeysville	MD
Hugo	Mogollon	Silver Spring	MD
Evelyn	Mogren	Columbia	MD
Joann C Watts	Moore	Boyds	MD
Anu	Moorthy	Baltimore	MD
John	Moran	Easton	MD
Sandra	Morton	Baltimore	MD
Rachael	Neill	Baltimore	MD
Margaret	Oliver	Baltimore	MD
Tom	Parenteau		MD
Daniel	Pattenden	Silver Spring	MD
Ann	Payne	Middletown	MD
Kenny	Perry	Baltimore	MD
Thierry	Peters	Gwynn Oak	MD
Robert	Petit	Easton	MD
Valeska	Populoh	Baltimore	MD
Jessica	Price	Trappe	MD
Robert	Quade	Takoma Park	MD
William	Reid	Frederick	MD
Emma	Reisinger	Baltimore	MD
Tara	Rice	Gaithersburg	MD
MELANIE	RICHARDSON	Baltimore	MD
Carolyn	Ricketts	Edgewater	MD
Kurt	Rodowsky	Centreville	MD
Rossana	San Martin	Easton	MD
Marguerite	Satelmajer	Baltimore	MD
Elaine	Shell	Laurel	MD
Matt	Shudtz	Baltimore	MD
Sara	Sides	Parkton	MD
Kristin	Silva	Severna Park	MD
Rosanne	Silverman	Baltimore	MD
L	Simonsin	Bowue	MD
Susan	Simonson	Hagerstown	MD
Mariy	Slaughter	Silver Spring	MD

Joan	Slettvet	Churchton	MD
Georgette	Stavrakas	Baltimore	MD
Sarah	Stein	Severna Park	MD
Russell	Stevenson	Severna Park	MD
Nancy	Stoner	Silver Spring	MD
Lauren	Stranahan	Towson	MD
Jennifer	Strunge	Baltimore	MD
Taylor	Swanson	Berlin	MD
Tom	Taylor	Greenbelt	MD
Nora	Taylor	Sparrows Point	MD
Patricia	Tice	Rockville	MD
Rebecca	Turner	La Plata	MD
Annie	Umbricht	TOWSON	MD
Arlene	Uzmed	White Hall	MD
An	Vandekerkhove	ELKTON	MD
Douglas	Vaughn	Accokeek	MD
Sarah	Wachtel	Joppa	MD
AnnaMary	Walsh	Shepherdstown	WV
Lorrie	Warfield	White Hall	MD
Shelley	Weakly	Frederick	MD
Sandra	Weinstein	Arnold	MD
Jack	Whisted	Joppatowne	MD
Kelly	White	Baltimore	MD
Robert	Wicks	Silver Spring	MD
Paula	Willey	Mt Airy	MD
Debra	Wilson	Deale	MD
Brenden	Beaumont	Edgewood	MD
Mary Ellen	Boynton	Prince Frederick	MD
Sarah	Boynton	Annapolis	MD
Susan	Brockman	Dunkirk	MD
Kathleen	Bucco	Hagerstown	MD
Cheryl	Burch	Easton	MD
Amy	Finkelstein	Takoma Park	MD
Patrick	Gaffney	Rosedale	MD
Jeffrey	Gaskins	Silver Spring	MD
Kris	Gebhard	Baltimore	MD
Jay	Gentry	Baltimore	MD
Jennifer	Grimelli	Marriottsville	MD
Nicole	Hartig	Baltimore	MD
Ronald	Hartman	Elkton	MD

Helen	Kiefert	Baltimore	MD
Roberta	Laynor	Berlin	MD
Gumus	Ozkok	Crownsville	MD
Nico	Prem	Halethorpe	MD
Nicole	Quaste	La Plata	MD
Brian	Quijada	New York	NY
Tracy	San Martin	Potomac	MD
Nancy	Stoner	Silver Spring	MD
Connie	Wheeler	Baltimore	MD
Barbara	Winner	Arnold	MD



# **2024 HB1101 Testimony Against 2024-03-26.pdf**

Uploaded by: Alan Lang

Position: UNF

Honorable Senators

Please vote against HB1101.

This bill appears to allow any two people to be considered as an association and to have standing to intervene in cases where the air, water and natural resources are involved and bring complaints against anyone – a homeowner, a Civic Association, a business, or a local government. Even if they don't win, they can cause expense, worry and loss of time to a neighbor, etc.

We already are faced with a rogue EPA that can sue a homeowner who tries to prevent standing water from collecting periodically, which allows mosquitoes to breed. Now, if this bill passes, we can be sued by overzealous do-gooders if we try to improve our property and they believe our efforts are hurting the environment.

Owning property and being able to use it as we see fit, within reason, is a key aspect of liberty. It is bad enough that we pay outrageous property taxes, but to have government and eco-nazis telling us what we can or cannot do, leads to tyranny.

Please vote against HB1101.

Alan Lang, District 31  
242 Armstrong Lane  
Pasadena, MD 21122  
410.336.9745  
[Alanlang1@verizon.net](mailto:Alanlang1@verizon.net)

**MML-HB 1101 - OPP.pdf**

Uploaded by: Angelica Bailey Thupari

Position: UNF



Maryland Municipal League  
*The Association of Maryland's Cities and Towns*

## TESTIMONY

March 26, 2024

**Committee:** Senate Education, Energy, and the Environment

**Bill:** HB 1101 – Standing - Environmental and Natural Resources Protection Proceedings (Clean Water Justice Act of 2024)

**Position:** Oppose

**Reason for Position:**

The Maryland Municipal League respectfully opposes House Bill 1101. This bill expands legal standing, allowing a newly expanded class of individuals to bring a civil suit against anyone that is alleged to have violated standards regarding nontidal wetlands and/or pollutant discharge into streams.

While we appreciate the amended version, which is more narrowly tailored than the original bill, this proposal remains an unnecessary overreach and would be expensive for local governments. Existing laws on the federal, state, and local levels already provide legal avenues for environmental protection. Under the Environmental Standing Act, the Attorney General, a local government, or any person may pursue legal action for mandamus or relief against the State or an agency for its failure to perform a duty decreed in statute or regulation. The Maryland Department of the Environment (MDE) is authorized to bring both criminal and civil suits for statutory and regulatory violations. Local governments are also authorized to bring civil suits for statutory and regulatory violations. Existing local, state, and federal statute law is more than adequate to address land use and environmental conflicts.

Furthermore, the League is concerned that the actions of municipal governing bodies, planning commissions, boards of zoning appeals, and historic district commissions will be more apt to be questioned in a judicial setting. Because the bill adopts a broad federal definition of standing, savvy opponents will be able to seek judicial review of land use and environmental actions of a legislative body to delay or alter permitted activities after they have been approved. Local governments will undoubtedly be exposed to increased costly and time-consuming litigation.

For these reasons, the Maryland Municipal League opposes HB 1101 and respectfully requests an unfavorable committee report.

**FOR MORE INFORMATION CONTACT:**

Theresa Kuhns	Chief Executive Officer
Angelica Bailey Thupari, Esq.	Director, Advocacy & Public Affairs
Bill Jorch	Director, Public Policy & Research
Justin Fiore	Deputy Director, Advocacy & Public Affairs

**HB1101-EEE\_MACo\_OPP.pdf**

Uploaded by: Dominic Butchko

Position: UNF



## House Bill 1101

*Standing - Environmental and Natural Resources Protection Proceedings  
(Clean Water Justice Act of 2024)*

MACo Position: **OPPOSE**

To: Education, Energy, and the Environment  
Committee

Date: March 26, 2024

From: Dominic J. Butchko

The Maryland Association of Counties (MACo) **OPPOSES** HB 1101. This bill would enshrine in state law a dramatic new right for residents to sue certain parties for certain water violations.

“Standing” is the legal right to bring and maintain a lawsuit. The purpose of standing is to limit the ability to bring suit to those parties who are directly affected by a decision. Under Maryland state law, the standing of residents to bring suits against counties has been limited. Unlike private for-profit industry, and as providers of public services, local governments have traditionally been viewed in a different light. While the advocates of HB 1101 claim that this legislation is an answer to changes at the federal level, this bill extends beyond what federal standing was initially offered. Counties oppose the premise of this legislation as it opens the door to an onslaught of litigation, that while likely brought with the best intentions, will ultimately come at the cost of taxpayer dollars and public services.

While the amended version of HB 1101 is somewhat narrower, counties share the same concerns of other stakeholders such as NAIOP, MBIA, MAMWA, & MAMSA. The bill creates a new independent cause of action allowing an individual or association that meets the federal definition of standing to sue the holder of non-tidal wetlands, ground water discharge or surface water discharge permit in state court.

Under current state law, individuals meeting federal standing requirements can seek judicial review of permits issued or renewed by the Maryland Department of the Environment (MDE), provided they participated in the public comment phase during permit evaluation. These appeals are heard on the administrative record, necessitating that challengers raise the issue in time for the agency and landowner to attempt to resolve the issue.

In contrast, the bill empowers the same entities to directly litigate against permit holders post-permit issuance, without necessitating prior participation in the permit process. Legal proceedings would be conducted *de novo*, permitting the introduction of new issues not raised during permit review. Notably, MDE's involvement in litigation against permit holders is not mandated, and the bill prohibits legal action or civil penalties against MDE, even if permit issuance is contested.

Furthermore, the bill permits individuals and associations to independently litigate against counties who may fill "intermittent" or "ephemeral" streams, which could be ditches or impressions with only occasional waterflow. This would effectively empower individuals, who may not even be local but claim to occasionally visit the area, to pursue legal action against counties.

Finally, the Federal Clean Water Act allows attorney's fees and the costs of expert witnesses to be awarded to "any prevailing or substantially prevailing party." This bill still allows only a "prevailing plaintiff or a substantially prevailing plaintiff" to be awarded attorney's fees and the costs of expert witnesses. This creates a monetary incentive for appellants to initiate or prolong court action. Counties forced to defend themselves and prevail have no rights under the bill to be awarded attorney's fees even if the court determines that the claim lacked any merit.

If enacted, HB 1101 will lead to more frivolous litigation for local governments, diverting public taxpayer dollars and stripping resources that could have otherwise been invested in public services. For this reason, MACo urges the Committee to give HB 1101 an **UNFAVORABLE** report.

**HB 1101 - Clean Water Justice Act - EEE - OPPOSE.p**

Uploaded by: Grayson Middleton

Position: UNF





*Educate. Advocate. Innovate.*

Date: March 25, 2024  
To: Members of the Senate Committee on Education, Energy, and the Environment  
From: Grayson Middleton, Government Affairs Manager  
Re: HB 1101 – Clean Water Justice Act of 2024 – **OPPOSE**

Delmarva Chicken Association (DCA) the 1,600-member trade association representing the meat-chicken growers, processing companies, and allied business members on the Eastern Shore of Maryland, the Eastern Shore of Virginia, and Delaware opposes HB 1101 and urges an unfavorable committee report.

HB 1101 will expand legal standing for individuals seeking to sue companies, farmers, individuals, and state agencies for environmental harm or the threat of environmental harm.

At face value HB 1101 seems like a good way to expand access to the courts for individuals seeking redress for environmental injuries. To be clear, farmers (who are often called the first environmentalists) want a clean environment as well. Farmers make their living and raise their families on the land and water, and so the health of the environment is perhaps even more in their interest than it is for the public. As an association, we always encourage full compliance with every applicable state and local regulation, as well as implementing additional good neighbor practices. We do not support or defend bad actors.

However, proponents of this legislation have indicated that they do not believe the current regulatory and legal framework is enough to protect the environment and Maryland citizens. This is categorically false.

Farmers are beholden to innumerable laws, regulations, and permits to operate their small business. This is especially true for chicken growers. To build a chicken farm, the farmer must first follow the local planning and zoning guidelines which have been established by the county through a very public comprehensive planning process.

The farmer will then be required to obtain a general discharge permit for concentrated animal feeding operations (CAFO). This permit and the Comprehensive Nutrient Management Plan that is required is written in a way that there is no discharge from a chicken farm. Not only has the general permit had a public comment period, but there is a public notice process that could allow for a public meeting for each individual grower that applies for the CAFO permit. These permits already take months to obtain. Usually those who participate in the public process provide very little substantive input to the permit that is being issued, but it does create undue stress for the farmer, a small business owner.

A grower who is building or “adding on” to the farm, must also obtain a sediment and stormwater permit – another process that allows for public comments. These permits are an additional measure to ensure that no nutrients leave the farm.



*Educate. Advocate. Innovate.*

Proponents have also argued that this legislation would only affect those who pollute and are out of compliance. This is not true.

The chicken community has already been threatened by a lawsuit in Maryland just 10 years ago with the Waterkeeper Alliance, Inc. vs. Alan Hudson, an initiative led by the Assateague Coastal Trust. This mistaken identity of a pile of litter resulted in three years of litigation, millions of dollars in legal fees and mental stress on a young farm family.

Even if a judge were to dismiss a frivolous case, the farmer would still be required to hire an attorney and pay exorbitant legal fees. Chicken farmers do not have foundations granting them funds specifically for litigation. Chicken farmers and the agriculture community rely on science-based, data driven laws and regulations to guide them.

For these reasons we urge an **unfavorable** vote on HB 1101.

Should you have any additional questions, please feel free to contact me at [middleton@dcahicken.com](mailto:middleton@dcahicken.com) or 410-490-3329.

Sincerely,

Grayson Middleton

Government Affairs Manager

# **HB 1101\_MDCC\_Clean Water Justice Act of 2024\_UNFAV**

Uploaded by: Hannah Allen

Position: UNF



**LEGISLATIVE POSITION:**

**Unfavorable**

**House Bill 1101**

**Standing - Environmental and Natural Resources Protection Proceedings (Clean Water Justice Act of 2024)**

**Senate Education, Energy, and the Environment Committee**

**Tuesday, March 26, 2024**

Dear Chairman Feldman and Members of the Committee:

Founded in 1968, the Maryland Chamber of Commerce is the leading voice for business in Maryland. We are a statewide coalition of more than 6,800 members and federated partners working to develop and promote strong public policy that ensures sustained economic growth and prosperity for Maryland businesses, employees, and families.

HB 1101 stands to dramatically expand legal standing for environmental and natural resources related suits, including a private right of action. While the bill as amended has narrowed a bit, this still results in an increase in legal standing, which could impact building operations, land use and development, manufacturing, product development, and more. Further, Maryland's environmental laws, like all state and federal environmental statutes and regulations, currently protect our state's environment and natural resources.

Expanding the legal standing for environmental suits in Maryland will lead to increased litigation and costs for businesses. Additionally, this expansion in legal standing will deter investment and economic development in Maryland, as businesses will be hesitant to operate in an environment with heightened litigation risks. The private right of action further opens Maryland's businesses, especially small businesses, to additional liability that would add yet another degree of uncertainty in already turbulent times.

Maryland businesses take seriously their role and impact in ensuring a sustainable future. Evident in the many greenhouse gas reduction and sustainability plans now common among private industry. However, HB 1101 is not the correct avenue as it provides individuals with a right to bring forward suits, resulting in concern over frivolous lawsuits and unintended consequences for businesses and the economy. The liability concern is immense.

For these reasons, the Chamber respectfully requests an **unfavorable report** on **HB 1101**.

# 24 MGPA\_HB1101\_Environmental Standing.pdf

Uploaded by: Lindsay Thompson

Position: UNF



Maryland Grain Producers Association  
118 Dundee Ave, Chester, MD 21619  
Lindsay.mdag@gmail.com (p) 443-262-8491  
www.marylandgrain.com

Date: March 26, 2024

House Bill 1101- Standing - Environmental and Natural Resources Protection Proceedings (Clean Water Justice Act of 2024)

Committee: Education, Energy and the Environment

MGPA Position: OPPOSE

The Maryland Grain Producers Association (MGPA) serves as the voice of grain farmers growing corn, wheat, barley and sorghum across the state. MGPA opposes House Bill 1101 which, as amended, establishes standing in Maryland individuals who would meet the requirements for standing under the Clean Water Act. The bill also defines and expands standing to violations or alleged violations as it relates to non-tidal wetlands, ephemeral and intermittent streams or "hydrologic connections" to these water bodies.

While we appreciate that the definition of Injury in Fact as “a negative impact, or the threat of a negative impact, to a person’s health or the use and enjoyment of a natural resource or environment, including a negative impact to aesthetic, recreational, conservational and economic interests that many be shared among community members.” being removed from the bill as well as organizational standing; we still have serious concerns about the intent of those supporting this legislation.

During a subcommittee meeting discussion of this bill as amended, an organizational representative called out a specific farm location that they planned to pursue legal action against if this bill were to pass. While we do not in any way support blatant or knowing pollution of waters of the state, we are concerned that the expanded definition to include things like intermittent streams and non-tidal wetlands could lead to farmers being sued for an act they were unaware is a violation.

If this bill were to pass, MGPA hopes that a significant mapping effort, not accounted for in the fiscal note, is undertaken and landowners are notified as to whether certain water features on their properties are now jurisdictional.

We urge an unfavorable report on HB1101.

**2024-03-25 MAMSA Ltr HB 1101.pdf**

Uploaded by: Lisa Ochsenhirt

Position: UNF



March 25, 2024

The Honorable Brian J. Feldman  
Chair, Education, Energy, and the Environment Committee  
2 West, Miller Senate Office Building  
Annapolis, MD 21401

**Re: OPPOSE--HB 1101 (Standing-Environmental and Natural Resources Protection Proceedings (Clean Water Justice Act of 2024))**

Dear Chairman Feldman:

On behalf of the Maryland Municipal Stormwater Association (MAMSA), I am writing to **oppose** HB 1101, which would create a new right for citizens to sue for alleged permit violations by municipally owned stormwater systems (also known as municipal separate storm sewer systems or “MS4s”).

MAMSA is an association of the State’s local governments and leading stormwater consultant firms who work for clean water and safe infrastructure based on sound science and good public policy. MAMSA members own and operate regulated MS4s. MAMSA members work hard every day to fully comply with discharge permits issued by the Maryland Department of the Environment (MDE).

MAMSA **opposes** any bill that puts local governments at greater risk for state lawsuits and their associated costs.

MAMSA **opposes** SB 653 for the following specific reasons:

- **Lawsuits Are Costly for Localities** – Allowing new lawsuits against MS4s under State law would drive up local costs. Localities would have to defend any suits brought (with costs for attorneys, expert testimony, etc.) and could potentially be ordered to pay attorney’s fees and litigation costs for the third-party bringing the suit.

As public entities, we must pass any costs along to our citizens, including the costs to defend ourselves in court. The State’s stormwater managers very much do not want to put this burden on our citizens, many of whom are already facing financial challenges (e.g., the lingering impacts from the COVID-19 pandemic, inflation for necessary goods and services).

- **HB 1101 Is Unfair to Potential Defendants** - The federal Clean Water Act Citizen Suit provision (§505) allows the court to award litigation costs to a prevailing or substantially prevailing party, whether that entity is the plaintiff or defendant. HB 1101 allows a court to award costs to a “prevailing” or “substantially prevailing plaintiff,” but only authorizes costs for a “substantially prevailing” defendant “if the plaintiff’s claim was frivolous, unreasonable, or groundless.” It is fundamentally unfair for a plaintiff to have a more favorable standard for cost recovery than a defendant.
- **Citizens Can Readily Participate in Enforcement Cases Under Current Law** – The Environment Article gives MDE significant enforcement authority over discharge permits, including the ability to impose



MAMSA Letter **Opposing** HB 1101

March 25, 2024

Page 2

civil and criminal penalties. ENV. §9-334 through 9-344. In addition, ENV. §9-344.1 (Right to intervene), which passed just last year, gives citizens who meet threshold standing requirements the “unconditional right” to intervene in a case MDE brings in State court. When combined with the State’s liberal environmental standing standards, there is little chance an interested citizen could not make their voice heard if there is alleged permit noncompliance.

**MAMSA urges the Committee to vote “NO” on HB 1101.** Please feel free to contact me with any questions at [Lisa@AquaLaw.com](mailto:Lisa@AquaLaw.com) or 804-716-9021.

Sincerely,



Lisa M. Ochsenhirt, MAMSA Deputy General Counsel

cc: Education, Energy, and the Environment Committee, HB 1101 Sponsors

**2024-03-25 MAMWA Ltr on HB 1101.pdf**

Uploaded by: Lisa Ochsenhirt

Position: UNF



## Maryland Association of Municipal Wastewater Agencies, Inc.

Washington Suburban Sanitary Commission

14501 Sweitzer Lane, 7<sup>th</sup> Floor

Laurel, MD 20707

Tel: 301-206-7008

March 25, 2024

### MEMBER AGENCIES

Allegany County  
Anne Arundel County  
City of Baltimore  
Baltimore County  
Town of Berlin  
Cecil County  
Charles County  
City of Cumberland  
D.C. Water  
Frederick County  
City of Hagerstown  
Harford County  
City of Havre de Grace  
Howard County  
Ocean City  
Pocomoke City  
Queen Anne's County  
City of Salisbury  
Somerset County Sanitary District  
St. Mary's Metro. Comm.  
Washington County  
WSSC Water

The Honorable Brian J. Feldman  
Chair, Education, Energy, and the Environment Committee  
2 West, Miller Senate Office Building  
Annapolis, MD 21401

**Re: OPPOSE -- HB 1101 (Standing-Environmental and Natural Resource Protection Proceedings) (Clean Water Justice Act of 2024)**

Dear Chairman Feldman:

On behalf of the Maryland Association of Municipal Wastewater Agencies (MAMWA), I am writing to **oppose** HB 1101, which would create a new right for citizens to sue for alleged permit violations by publicly owned wastewater treatment plants (also known as publicly-owned treatment works, or "POTWs").

MAMWA is a statewide association of local governments and wastewater treatment agencies that serve approximately 95% of the State's sewer population. MAMWA members own and operate POTWs and work hard every day to fully comply with discharge permits issued by the Maryland Department of the Environment (MDE).

MAMWA **opposes** any bill that puts local governments at greater risk for state lawsuits.

MAMWA **opposes** HB 1101 for the following specific reasons:

- **Lawsuits Are Costly for Localities** – Allowing new lawsuits against POTWs under State law would drive up local costs. Localities would have to defend any suits brought (with costs for attorneys, expert testimony, etc.) and could potentially be ordered to pay attorney's fees and litigation costs for the third-party bringing the suit.

As publicly owned utilities, we must pass any costs along to our citizens, including the costs to defend ourselves in court. The State's POTWs very much do not want to have to increase sewer rates at a time when our citizens are already facing financial challenges (e.g., the lingering impacts from the COVID-19 pandemic, inflation for necessary goods and services).

- **HB 1101 Is Unfair to Potential Defendants** - The federal Clean Water Act Citizen Suit provision (§505) allows the court to award litigation costs to a prevailing or substantially prevailing party, whether that entity is the plaintiff or defendant. HB 1101 allows a court to award costs to a "prevailing" or "substantially prevailing plaintiff," but only authorizes costs for a "substantially prevailing" defendant "if the plaintiff's claim was frivolous, unreasonable, or groundless." It is fundamentally unfair for a plaintiff to have a more favorable standard for cost recovery than a defendant.

### CONSULTANT MEMBERS

Black & Veatch  
GHD Inc.  
Greeley and Hansen Engineers  
Hazen & Sawyer  
HDR Engineering, Inc.  
Jacobs  
Ramboll Americas  
Whitman, Requardt & Assoc.  
Xylem, Inc.

### GENERAL COUNSEL

AquaLaw PLC

MAMWA Letter **Opposing** HB 1101

March 25, 2024

Page 2

- **Citizens Can Readily Participate in Enforcement Cases Under Current Law** – The Environment Article gives MDE significant enforcement authority over discharge permits, including the ability to impose civil and criminal penalties. ENV. §9-334 through 9-344. In addition, ENV. §9-344.1 (Right to intervene), which passed just last year, gives citizens who meet threshold standing requirements the “unconditional right” to intervene in a case MDE brings in State court. When combined with the State’s liberal environmental standing standards, there is little chance an interested citizen could not make their voice heard if there is alleged permit noncompliance.

**MAMWA urges the Committee to vote “NO” on HB 1101.** Please feel free to contact me with any questions at [Lisa@AquaLaw.com](mailto:Lisa@AquaLaw.com) or 804-716-9021.

Sincerely,



Lisa M. Ochsenhirt, MAMWA Deputy General Counsel

cc: Education, Energy, and the Environment Committee, HB 1101 Sponsors

**MBIA Letter of Opposition HB1101.pdf**

Uploaded by: Lori Graf

Position: UNF

March 26, 2024

The Honorable Brian Feldman  
Chairman, Senate Education, Energy, and the Environment Committee  
2 West Miller Senate Office Building  
Annapolis, Maryland 21401

**RE: MBIA Letter of Opposition HB1101 Standing – Environmental and Natural Resources Protection Proceedings (Clean Water Justice Act of 2024)**

Dear Chairman Feldman,

The Maryland Building Industry Association, representing 100,000 employees statewide, appreciates the opportunity to participate in the discussion surrounding **HB1101 Standing – Environmental and Natural Resources Protection Proceedings (Clean Water Justice Act of 2024)**. MBIA **opposes** the Act in its current version.

HB1101 introduces a new standing provision, granting individuals and associations the right to independently sue various entities based on perceived negative impacts to their interests. Prevailing plaintiffs may seek injunctive relief, civil penalties, and litigation costs. They can also intervene in environmental enforcement actions. MBIA is concerned that these provisions could disrupt routine government functions, as opponents could use the broad language of the bill to initiate litigation against legitimate activities under permits. The bill's definition of "Injury in Fact" allows for claims without demonstrating harm to the environment. Instead, they only must show past injury or fear of future injury to the plaintiffs' aesthetic, recreational, conservational, health or economic interests, undermining the balance of environmental appeals.

It is important to note the ever-changing landscape of wetlands laws, with the federal government frequently reversing standards. Additionally, water pollution encompasses sediment and stormwater runoff, leading to significant ambiguity regarding allowable runoff levels during storms. In fact, Maryland law doesn't mandate actual runoff occurrence. Instead, it is a violation if sediments end in a place where runoff is likely to be discharged. The Maryland Department of the Environment already has regulatory authority over many environmental concerns and there is ample process for individuals to issue complaints with in the Department.

At a time when the State of Maryland is facing a housing crisis, this legislation is a step in the wrong direction and will create further ways to impede the creation of new housing. For these reasons, MBIA respectfully urges the Committee to give this measure **an unfavorable** report. Thank you for your consideration.

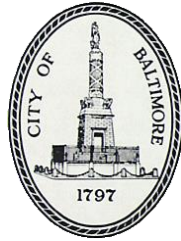
For more information about this position, please contact Lori Graf at 410-800-7327 or [lgraf@marylandbuilders.org](mailto:lgraf@marylandbuilders.org).

cc: Members of the Senate Education, Energy, and the Environment Committee

**HB1101-EEE-OPP.pdf**

Uploaded by: Nina Themelis

Position: UNF



BRANDON M. SCOTT  
MAYOR

*Office of Government Relations  
88 State Circle  
Annapolis, Maryland 21401*

**HB1101**

March 26, 2023

**TO:** Members of the Senate Education, Energy, and the Environment Committee  
**FROM:** Nina Themelis, Director of the Mayor's Office of Government Relations  
**RE:** House Bill 1101 – Standing – Environmental and Natural Resources Protection Proceedings  
**Clean Water Justice Act of 2024**

**POSITION: OPPOSE**

Chair Feldman, Vice Chair Kagan, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **opposes** House Bill (HB) 1101.

HB 1101 allows citizens and citizen groups to enforce several major Maryland environmental statutes against regulated parties, including local governments. In general, the bill enables citizens to take over the State's responsibility to enforce these statutes. This is a very powerful tool and will result in increased costs to City taxpayers and duplicative enforcement actions.

The City would likely see an increase in the number of enforcement actions involving, among other programs, the wastewater treatment plants, the sanitary sewer system, and drinking water facilities—all of which already have effective monitoring and compliance programs in State law. Baltimore City residents would bear the surge in litigation-related costs, be it through increased water and sewer bills or otherwise.

Under HB 1101, the groups bringing enforcement actions can obtain comprehensive injunctive relief to address noncompliance, and to recover attorney fees and expert costs, if their suits have some success. In addition, a court can impose civil penalties on violators and if a case is settled, the violators may agree to provide funds for supplemental environmental projects instead of civil penalties. The recovery of attorney fees and expert costs are great incentives for citizens to bring these enforcement lawsuits, but will result in high costs for the City without much benefit to the public, given existing compliance and enforcement programs.

We respectfully request an **unfavorable** report on HB 1101.

*Annapolis – phone: 410.269.0207 • fax: 410.269.6785  
Baltimore – phone: 410.396.3497 • fax: 410.396.5136  
<https://mogr.baltimorecity.gov/>*



# **HB1101.pdf**

Uploaded by: Peggy Williams

Position: UNF

HB1101

OPPOSE

Standing - Environmental and Natural Resources Protection Proceedings (Clean Water Justice Act of 2024)

Dear Committee Members:

I strongly oppose this bill. It gives too much power to people or associations to control environmental and natural resources protection matters. This can cause significant worry, time, and expense for other parties, all under the auspices of the Climate Change hoax. For instance, what if one homeowner in a community wants to bring a case against the rest of the community and force all homes to remove gas/oil heating/air conditioning systems because they are supposedly contributing to global warming and impeding the Climate Solutions Now Act? How much time and resources would be wasted? Please oppose this bill.

Peggy Williams  
Severna Park  
D31

**Vote NO on HB 1101.pdf**

Uploaded by: Stacy Pedersen

Position: UNF

## To the Maryland Congress:

MFRW's assessment: This bill appears to allow any two people to be considered as an association and to have standing to intervene in cases where the air, water and natural resources are involved and bring complaints against anyone – a homeowner, a Civic Association, a business, or a local government. Even if they don't win, they can cause expense, worry and loss of time to a neighbor, etc. **Could this be used to force all homes in a community to remove gas/oil heating/air conditioning systems as contributing to global warming and impeding the Climate Solutions Now Act? STOP USING THE ENVIRONMENT TO CHIP AWAY AT OUR CONSTITUTION. THIS IS DANGEROUS!!**

Vote NO on HB 1101

Sincerely,

Stacy Pedersen

# **HB1101 -Standing - Environment and Natural Resourc**

Uploaded by: Tom Ballentine

Position: UNF



March 25, 2024

The Honorable Brian J. Feldman, Chair  
Education, Energy, and the Environment Committee  
Miller Senate Office Building, 2 West  
Annapolis, MD 21401

**Oppose: HB 1101 – Standing - Environment and Natural Resources Actions**

Dear, Chair Feldman and Committee Members:

On behalf of the NAIOP Maryland Chapters representing seven hundred companies involved in all aspects of commercial, industrial, and mixed-use real estate I am writing in opposition to HB 1101.

This bill grants a new cause of action to allow any individual or association to independently sue any person, business, a county, municipality, the City of Baltimore, or multicounty government entities. Because the bill adopts the federal standing standard, a claim of a past or potential future negative impact to aesthetic, recreational, conservational, health or economic interests of the individual will be enough to qualify for judicial review. The plaintiff may seek injunctive relief and civil penalties, be awarded the costs of litigation, and participate in alternative mitigation requirements imposed by the court.

Although narrower than the bill as introduced, NAIOP still has significant concerns about the causes of action authorized by HB 1101 and their implications. The bill provides an additional method for determined opponents to initiate tactical litigation in state courts to delay or alter new housing and commercial projects after their permits have been approved.

The rationale for NAIOP's opposition includes the following:

- Because HB 1101 authorizes an independent cause of action, it would allow private interests to bring enforcement action against permit holders in state court for the first time. Individuals who meet the federal definition of standing could independently initiate enforcement action based on their own assessment of how permitted activities harm their environmental or aesthetic interests and what remedies or penalties they believe to be appropriate.
- Regulated entities would be subject to litigation from private parties who only need to show there is a threat of negative impacts to their use and enjoyment of the environment or aesthetic interests – no actual environmental harm need be shown to show standing. Deleting references to *enjoyment of a natural resource* and *negative impact to aesthetic interests* on page 2 line 28 - page 3 line 2 does not change how these concepts will be used to determine who has standing to initiate the state court litigation authorized by the bill.
- The change to *Waters of the U.S.* in the Sackett case did not change the definition of *Waters of the State* or diminish their level of regulatory protection in Maryland. Today, enforcement authority over state and local permits is vested with state and local agencies who operate in the public interest, use their own discretion in enforcement decisions, and are subject to oversight by the General Assembly and local elected bodies. HB 1101 would allow litigation against permit holders without the agency that issued the permit being a party. In fact, the bill bars MDE from being sued or being assessed civil penalties even if the plaintiff alleges that MDE issued an incorrect permit.

- Under current law, individuals who meet the federal definition of standing have several existing avenues to address concerns related to environmental permits. ENV 1-601 (attached) allows individuals who meet the federal standing requirements to seek judicial review of final decisions on the issuance or renewal of state air quality and water quality permits. Under NR 1-503 (attached) anyone who meets federal standing requirements can sue state or local officials to carry out their enforcement duties. ENV 9-433.1 (attached) allows individuals who meet the federal standing requirements to intervene in an enforcement action initiated by MDE in state courts. In fact, NAIOP worked with the University of Maryland Environmental Law Clinic and other stakeholders to authorize the right to intervene established in ENV 9-433.1. Despite supporting the right to intervene in MDE enforcement actions we believe HB 1101 goes too far because it would allow individuals to independently initiate their own enforcement actions against permit holders in state court.
- The Federal Clean Water Act allows attorney's fees and the costs of expert witnesses to be awarded to *any prevailing or substantially prevailing party*. This bill allows a *prevailing plaintiff or a substantially prevailing plaintiff* to be awarded attorney's fees and the costs of expert witnesses but a *substantially prevailing defendant* can only be awarded litigation costs *if the plaintiff's claim was frivolous, unreasonable, or groundless*. The bill sets a higher bar for permit holders who are forced to defend themselves and prevail to be awarded costs than is set out in the Clean Water Act. This creates a monetary incentive for the plaintiff to initiate or prolong court action.
- The notice provisions in the bill are not specific enough to allow the permit holder to understand the alleged violation and to have an opportunity to correct prior to court action by the plaintiff.
- Striking *OR GOVERNMENTAL ENTITY* on page 5 line 4 does not appear to exclude state or local government agencies or officials from suit. The change still allows enforcement action against any *person*. Person is defined in Env 1-101(k) "Person" means an individual, receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind and any partnership, firm, association, corporation, or other entity."

The scope of the new right to sue raises serious concerns that determined opponents will be able to use authority in the bill to initiate tactical litigation to delay or alter permitted activities after they have been approved. Because the bill adopts the very permissive federal definition of standing, a plaintiff could get into court based on subjective claims of aesthetic impacts or personal concerns about their ability to recreate on the Chesapeake Bay. The person does not have to live near the alleged violation to trigger a civil enforcement proceeding and the agency that issued the permit does not have to be a party to the proceeding.

**For these reasons NAIOP respectfully requests your unfavorable report on HB 1101**

Sincerely,



Tom Ballentine, Vice President for Policy

NAIOP Maryland Chapters -*The Association for Commercial Real Estate*

cc: Senate Energy, Environment and Education Committee Members  
Nick Manis – Manis, Canning Assoc.

# **HB1101 Testimony.pdf**

Uploaded by: William Love

Position: UNF



I'm Bill Love of 490 Fairoak Dr, Severna Park MD

Concerning HB1101: Standing - Environmental and Natural Resources Protection Proceedings (Clean Water Justice Act of 2024)

This bill appears to allow any two people to be considered as an association and to have standing to intervene in cases where the air, water and natural resources are involved and bring complaints against anyone – a homeowner, a Civic Association, a business, or a local government. Even if they don't win, they can cause expense, worry and loss of time to a neighbor, etc. This bill can be used to force all homes in a community to remove gas/oil heating/air conditioning systems as contributing to global warming and impeding the Climate Solutions Now Act?

Please, vote unfavorably to this bill.

Thank you